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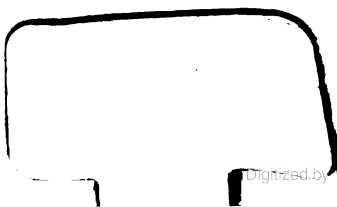


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# STOP THIEF

BY  
COL. V. M. MASTEN

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RICHARD G. BADGER  
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## INTRODUCTION

During the last three decades, members of the so-called "Spiritualistic School" have governed in America in the matter of reform edict. They have done it as if they had seen from the peak of prescience. Notwithstanding, the era of their influence is the blackest for crime in the country's history. The homicidal criminal assays human life at less this day than the primitive savage did. The blood-spilling brute is as the barometer of crime, and the deduction is distinct.

Since crime is cosmic, and the criminal nearly as varied as criminousness, such ominously-raw reading of the social sign can be charged up only in contributory measure against any cult or credo; but, the school in question can not shunt the burden of proof for assumption of wisdom greater than Almighty God's, expressed in slogan to the effect that repression of the predal felon is nugatory when it is not baneful, and for reformatory regimes based on that assumption.

Firstly, that is exactly as it would be framed by human hyenas who break for money-bags across sun-flooded thoroughfares. Secondly, were it sound ethi-

cally, it would well-nigh strip the Christian religion of carrying power.

"Thou shalt not" is the enacting clause of the Decalogue, to which sentient man is held to bald choice of adjustment, or to pay the penal price. From the very beginning, the Father has had to force His children to obey Him.

In any case, it has been demonstrated that methods won't do which motivate further regression of the habitual lawbreaker, while they leave him in contempt for precepts fundamentally at variance with his exactions; albeit he would be as dense as he is wrongly rated, did he not second fulsomely with lip service, men and measures that speed him from courts and correctional plants to renewed guerrilla warfare on society.

Had Americans nipped just that one, ulterior design in the bud, they would not now be taxed in the ratio of dime to cent for the upkeep of confirmed criminal rounders; nor would constantly mounting death blows be delivered with sneering disdain of consequences; nor would associated pressure be blatantly exerted in council chambers, where hyphenated tricksters seek to read the meaning out of the plain lettering of the Constitution, in favor of crass anti-social plunderers.

Whatever the specific degree of responsibility, Americans must waken to the fact that the broad

question of crime is the cardinal problem before them for solution; also, they must react quickly to the truth that the state of mind which caused Cain to kill Abel, is precisely the state of mind which impels predatory criminals to tax liberty and tear things.

In pursuit of such a theme, one may be excused deviation from the customary wording of the introduction, if so to deviate is to sharpen the mind of the reader for the matter of the context. Hence, we have thought wise to place certain of general conclusions here:

Catholic analysis of the grand ratios of crime is impossible. It is not within the ken of man to trace all of human action to ultimate impulse. The capital motive for a given crime commonly lies locked in the criminal's breast. Bits of bait which obsessed the mind of the murderer and decided his offense often escape investigators whose minds are gripped by counter motives. Conversely, the prober has been known to glare at surface circumstance, while blind to congenital cracks in character.

Fortunate it is, therefore, that the main impulse to murder is usually easier to trace than is the murderer's weapon. The edict of the clan, issued to further pursuit of unlawful spoil, impels the gangster to kill. Given a crime of the unspeakable variety, the orders go out to round up the tramps, since many hobos are confirmed sexual perverts who value

human life in pennyworths. Sexual mania running to degenerate curiosity, carrying a dash of race hatred, usually incites the negro in like cases. So the act trails to the motive, from depth of design to height of folly, such as drives the primitive in neighbors to exchange deadly blows over the ownership of a lineal foot of earth.

Objective factors of crime in America induce acts of the gravest kind. Example: A murderer has three chances to one in his favor against being brought to trial, ten to one against life imprisonment, and eighty to one to escape the death penalty. It is but in natural sequence that more peace-time murders are committed annually in the United States than in any other five civilized nations.

Such humiliating comparison tells plainly that deterrent measures do deter. They deter if they are binding, as in the days of "good King Alfred," when "you might have hung garlands of jewels and precious stones across the streets of London, and no man would have touched them." True, Americans do not take kindly to hanging a thief. But imagine "garlands of jewels and precious stones" hung across a thoroughfare of America's metropolis, where the police authorities caution day wayfarers to arm against blood-letting bandits.

Visible signs may well mislead, yet they seem to indicate that the alloy in the American blend of race

now fusing strikes through from the depths mainly as follows:

(1) Waning reverence for sacred things; not irreverence for mummary rooted in man-made tradition, but flippant flouting of fundamental injunctions. Therefore persistent catch-as-catch-can tactics employed to make of God's own day a gala day.

(2) Constantly increasing homicidal pressure resulting from the ever cheapening price put upon the taking of human life: sign reminiscent of a cardinal cause for the buried ruins of one-time capital nations.

(3) The excessive toll paid to recreative activities and amusements irrationally ordered. All of clean sport, and its kin, is good to the point of toning body and mind, thereby re-creating appetite for worthy work. Beyond that point it does not shape muscle for life's use, does shunt the mind out of pabulum necessary for its full unfolding, and does usher in the insidious gaming habit with its many-tentacled curse.

Centuries before the batting average was suspected, *Mens sana in corpore sano* haled men to the stadium, there to frolic, while they shaped and disciplined their bodies and minds for laudable pursuits. Then came the gamester-parasite with his brute and wager; and then the Roman amphitheatre began the writing of hideous pages into history. To-

day, many have the same pen in hand a'scribbling the prize ring pug into prominence, with women in at the death.

What, in basic principle and brutalizing suggestion, the difference between then and now? How far a cry is it from the roped arena to the Roman amphitheatre? How far from combat or other sport that kills, maims, or leaves its to-be-fatal internal mark?

(4) Growing contempt for law, order, authority, and the agents thereof. That is to put it mildly, when red-handed young men receive capital sentences with a sneer or smiling sang-froid. Common lawlessness would not now obtain, had we given common-sense support to those sworn to execute the criminal law agreeably with its most binding predicates.

"If you want to get a bad law repealed, enforce it." On the other hand, if you want to render good laws ridiculous, temporize with those who break them, either in or out of prison. Nature holds out no rebates in the matter of obedience to edicts which the general law echoes. Man may not improve upon that by bidding for the parasital brute, and through him, for predatory war.

(5) The pace set for weaklings by those who practice financial legerdemain. Deft argument can not convince petty thieves of essential values, while pyramidal thieves pick the nation's pocket.

Tell an instinctive money-shark that spurious dol-

lars carry the germs of crime and disease, even death, and he will laugh at you. Nevertheless, it is true; so true that were it not for unclean money, sufficient of prohibitory law might be printed on a postal card.

During recent decades, the cardinal causes of crime in America have been variable only in the shifting of emphasis. For the emphasis, public neglect and public indifference are markedly chargeable, as is indicated by these capital crime-breeding influences:

(a) Loose immigration laws still shot to pieces in the enforcement.

(b) Crime by suggestion.

(c) The sporting instinct run mad.

(d) Law that has limped.

(e) Judges who have judged not.

(f) Class legislation.

(g) Public conception of the offices of penal and semi-penal institutions, and of the potentialities of the comparatively small, yet instinctively criminal, class of habitual felons who draw casual offenders with them into the maelstrom of crime.

Other constant and diverse, yet mutually sympathetic, factors are not singled out because they are woven into the fabric of all nations.

Capping all, the dream-drugged have sought and seek to reverse natural laws which govern formation and re-formation of character.



Our people may not like it, yet may not leave it: they must take up the gavel for sane solution of a very grave problem; a problem so complex and yet so singular in its demands, that the layman protagonist better decline the issue unless he can attack it with an earnest, open, trained mind, plus a God-given understanding of men and boys which cleaves close to inspiration. The onrush of crime needs must establish such men and mentors actively in the work, while it eliminates the uninformed, misinformed, and mercenaries who mislead.

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**STOP THIEF**



# STOP THIEF

## CHAPTER I

### IMMIGRATION

No one cause making for crime has left Americans so far apart in conclusions as has immigration. No figures more than immigration figures have been abused to point a moral or to strike an average. Those of negative persuasion minimize the handicaps accruing from the millions of non-adjusting aliens we have nurtured. Those of positive view contend that we should be immeasurably better off fundamentally, had we intrusted the expansion of the country chiefly to its natural friends.

However history shall construe the case otherwise, it will probably postulate that we could not have refused asylum consistently at any time to a normal, white human bent on getting out of himself for his adopted country the best expression of which he was capable; also, that we should have restricted citizenship from the first to those so dyed and determined. So much of conclusion clings when we recall that we were helped generously to criminals, renegades and adventurers during pre-Federation days; clings the more tightly, because certain of such were induced

soon thereafter to help keep States at loggerheads which had grown garrulous over their grudges and growing pains.

But argument concerning the merits of in-bred and out-bred white races must end in the clouds until the ethnologist can put his finger on the former and prove his people. In any case, the like of "Not proven if the accused emigrates to the Colonies," will not, from now on, serve a thief and thug-ridden nation. Since it has been demonstrated that no country can safely carry the intrinsic obligations of another country, international ethics needs must exact of each nation that it shall corral and care for its own lawlessly-impelled and badly-equipped.

To the specific assertion that we breed a mongrel race, the answer is that history does not disclose other than cross-bred white stock. Nevertheless, we have underestimated the limitations of the "national melting pot." That trite phrase does credit to a national heart that has sought to express cosmic altruism; but it is at once inexact and misleading. It is inexact because the "melting pot" fails to fuse all of its ores. It is misleading for the vital reason that American soil is quite the last on which foothold should be given addle-brained agitators. More than another the republican unit counts. Numbers reach their highest significance under a republican form of government. Where the greatest number knead the national dough, there the scrawney fingers

of Chaos will be most bold to effect the seasoning; hence the primal duty of a democracy is to select for *quality* every individual it elects to befather.

A blended race will inevitably express the attributes of its elements. Therefore America holds the world's record for physical weaklings, those mentally defective and deviated, and offenders of all classes against organic law.

The dumping of criminals and undesirables on our shores has been met with partial check, albeit the biographical registers of our remedial plants show that we still fall far short thereof of safeguarding our national interests. Very close to sixty per cent of such inmates are either foreign-born of foreign parents, or native-born of foreign parents. Twenty-five per cent of imprisoned felons are foreign-born. A goodly number of others have father or mother who was foreign-born, and foreign-born grandparents are taken for granted.

But we shall be obliged to keep the gates ajar for good men, at whose ancestry it is too late to shoot. Further, so to shoot would be to waste much metal, since but certain variations as to type and typical expression differentiate men who sprang on the one hand from a not too closely in-bred stock like the English, and on the other hand from reasonably selective, if relatively out-bred stock, such as the American must be made if it is to endure and contend for progress.



The true mongrel will issue in any event, if from no other cause than that otherwise level-headed men and women violate laws governing metabolism and fecundity.

A child, for instance, conceived while the male is under the secondary effect of alcoholic stimulation, and the female under opposed mental and physical stress, will likely example the spineless neurotic. That consummation will be but likely instead of reasonably certain to endure because, while the scavengers of the blood are not infallible alchemists, they labor untiringly to transmute toxic matter in the life flow, and to restore the latter to comparative purity.

Concerning human conduct, it is often impossible to demarcate congenital and racial pressure. The one usually carries the other, yet our immigration problem reduces less to consanguine stigmata as that phrase is technically employed, than it does to the acquired thoughts and acts of even the remote forbears of present aliens; thoughts and acts transmitted down the generations, and become instinctive and habitual.

Take a case to differentiate congenital defect, and that which obtains mainly because of the sum of environment and bringing-up. We shall strike cross-currents, as we always do when analyzing human character, but consider the case:

Until the Roman marauder had ridden rough-shod

over Eastern Sicily, the natives of that island were as homogeneous as any the world had known. They were a sturdy, trustful folk, who gloried in their close communication with one another and with nature. But Sicily, "the gem of the Mediterranean," was a prolific granary for any one of the nomadic nations by which she was held as if in a vise, and which could plant its standards on Sicilian soil and maintain them there. Hence, all of the avaricious brute and bigot latent in man was visited in turn upon the island people by contiguous peoples bent on conquest. The Sicilian fought back as best he could, necessarily with the like of weapons aimed against him; necessarily, also, having learned too well new tricks of old masters at trickery, he was finally crushed by them with his fingers closed on his brother's throat, and his trust in mankind but a mocking memory.

Therefore, the pen of Signor Antonio Cutrera, Chief of Police of Palermo, but tells of human action in natural sequence, when it attests the anarchistic character to-day of a very large percentage of Sicilians. They come honestly by instincts a blend of the fox and wolf.

In connection therewith the virile fact for the government of the United States to ponder is, that while the Strait of Messina separates Sicily from the mainland by not so much as small-gun fire, the home government had, up to the inception of the late

conflict, made no serious effort to stamp out anarchistic graft and blackmail on the island. Probably Italy found plenty of pre-World War work for her carbineers not otherwise assigned, to confine the lawless machinations of her own Camorra to Naples, where that society picked and chose nearly at will, thanks to a *drifting policy*, and to the denatured who drive devil-may-cares.

In any event, members of the Sicilian Mafiauso, headquarters at Palermo, stalked abroad, practically unmolested, over the island, laying tribute where they listed, and woe unto the man who challenged them.

"Omerta" is the particular term in the Mafia's code of action synonymous with honor. According to that code, "a man who appeals to the law against his fellow man is either a fool or coward; and he who cannot take care of himself without the protection of the police, is both." The same code "brands him with infamy who wouldn't go to prison for his pal"; also demands of its devotee and victim of vendetta within the clan that he shall, with his last gasp, express contempt for authority in these words: "If I live, I will kill thee; if I die, I forgive thee." While the Mafia maintained a reign of terror over the purses and activities of those without the drawn circle, many of its edicts were benevolent.

The Camorra is a straight-laced combination of brigandage and general criminality, interlaced with

the "white slave" traffic. The latter is controlled actively by the gutter-bred, swaggering, chip-on-his-shoulder "Riccottaro," whose elbow you had better not brush on a Naples boulevard. Both clans exemplify the last fling of ingrowing individualism perverted, both bank on the subterranean offices of the political charlatan, and both are a standing menace to the happiness, prosperity, and security of the law-abiding 'mongst whom they dwell.

The Sicilian anarchist's social vendetta is cited because his oblique motives are easiest to trace to their source; and because they furnish the master key to the reason for nearly all of lethal blows aimed at government by law in America.

Thousands of Russian rustics come to us nursing nascent passions born of centuries of cruelty and misrule visited on them by Romanoff dynasties. Egged on to it by ruthless radicals, and amortizing Americans who elect to remain under cover, they express latent hatred of governing power by which they had been repressed for so long. First off, they usually bend only to force, and respect that only when it is crushing.

The Hungarian peasant reaches for the harpoon because of his hangover of hurts inflicted by thick-lipped Hapsburgs. It matters not that he quickly comes into blessings here he could have but dreamed of in his native land; like the domesticated dog-wolf,

he sniffs at luxuries thrust upon him and instinctively breaks for rough going and a killing accompanied by his lobo howl of defiance calculated to terrorize.

So on, down through the long immigration list, members galore of which have been swayed by reactive laws of doing and being, Americans have been at pains either to misunderstand or to hold lightly; hence, instead of stitches taken in time of regulation and exclusion guaranteed by immigration laws sufficiently drastic and inevitably operative, they have drifted along under indifferent execution of restrictive measures never clearly thought out, always miserably mismanaged.

Furthermore, could and should the home government deport at once the last and least of "undesirables," that action would not wash the country of "ists" and "isms" traceable in their inception to alien agitators; it would not for the vital reason that large ideas, like large bodies, move slowly coming and coming to rest; and picking your neighbor's pocket at will or bust, is a large idea become very firmly fixed in the minds of millions in America,—due largely to the mean instinct in so many humans to shoulder for the hog's share.

The pity, not to say asininity, of the present, cosmic muddle is, that it might have been avoided by Americans with the exercise of just a modicum of horse-sense. American lads coming up decades ago with alien playmates in pasture lots sensed the dan-

ger and voiced it; sensed it that many of those coarse-grained comrades were struck through and through with more than a dash of cruelty which left them cold to cries of pain they wrung from lads of finer sensibilities subject to instinctive brutalities such as "giving the boot" to a fallen and conquered adversary; sensed it in the saloon hang-about thug, and pawn of the second-generation ward heeler; sensed it a little later on in the broader use political crooks made of human tools shaped and sharpened for political chicanery and brigandage; and sensed it finally and logically in the movements of the militant mass of aliens and near-aliens for individual and class expression which the wording of the Constitution can not, in sane interpretation, be otherwise than beaten into backing, as witness: the picket line with its bald bid for the most far-reaching forms of duress, and exemption of laborites from law which must be equally binding upon all, else the natural economic balance and the commonwealth are at one and the same time at the mercy of grouped plunderers.

A people that remains stupidly heedless of danger signals plainly read by its upcoming kids, deserves to pay as the American people are now paying, and must, at best, unto several generations ahead; how much and in what coin from now on will depend upon whether they do or do not, at this crucial transitional era in their history, stand pat for citizenship

of the quality the forefathers labored to postulate. In the interim, they will do well to come to grips with the fact that shackling with a bare majority is quite another matter than unshackling with a seventy-five-per-cent verdict.

In due time, natural forces will regulate prices, here and everywhere. Man will produce because he has to; but always an appreciable percentage of the grand total of humans won't behave unless they are made to behave. Having swung wide our doors of ingress to millions of the latter, we are now faced with the chore of making the best of it. The best of it is to select for quality in the future, in accordance with our needs.

Our police court and prison records tell indubitably that army corps of anarchists have sieved willy-nilly into America. The same records also show that racial instincts impel hundreds of thousands of aliens to take on license and tear things. The anarchistic wheel is but the outer wheel within which related others revolve, and the bald issue is: Shall American institutions give place, and if so, to what?

Fortune's favorites do not answer with platitudes hurled at "pessimism"; neither do they shrive the government of blame for brigades of out-and-out anarchists spread over the land, through pointing to the progeny of aliens whom we number with our best citizens; nor can they compare with the stanch, sturdy, pioneering stock from which the latter

sprang, the low-strata Italian, Slav and like aliens, who are mentally and morally below grade, whose trend is to the lowest level of their class, and whom instinctive habit places and keeps at war with human progress as the true American senses it. Sneezing at lawlessness that worms to the foundation of the national structure will get us nowhere.

Beyond question there has been slow poison for the United States by the admission of vast hordes of exploitable, mentally backward, physically subnormal, and morally obtuse immigrants, not to mention a grand army of incorrigible agitators against the general law. Certain it is that we have strained our powers of assimilation to the point of rupture; and it can be argued that we thereby complicated international problems, and perhaps retarded the ultimate destiny of man.

One of the self-evident truths which the Japanese-Russian War carried with emphasis is, that the virility of a nation sums to the average quality of its units, the which, first of all, must express common and comprehensive efficiency. A few concrete examples suggest what would have happened in 1898 had we opposed a fit, militant, first-class power, such as Germany then was, instead of the arms of Spain. Comparison is made as between the then Japanese army and the army we sent to the Spanish-American War, because those armies nearly paralleled each other in the matter of popular draft; whereas our



draft for the World War was made strictly from our best. Even so, the physically disqualified reached within a fraction of forty per cent of the total number summoned for examination. While considering the following points, keep that vital point in mind; also, that Japan's draft for her soldiers was then, as it is now, strictly popular. If a lad is not fit for service, Japan wisely makes him fit, if he can be made fit. Then consider that as between two nearly equal powers at war, the ultimate victory will go almost certainly to the one which can keep engaged with the greatest number of units fit to fight.

Japan sent fifteen-hundred-thousand men, rank and file, to the Japanese-Russian War. Of that number less than one-tenth of one per cent reported to the field hospitals for treatment for preventable disease. The United States sent one-hundred-and-seventy-thousand men to the Spanish-American War, ninety per cent of whom reported to the field hospitals for treatment for preventable disease.

Concerning the same wars, and as to the per cent of those who died from preventable disease compared with those who died from wounds received in battle, the toll is against us in the ratio of about fifty to one.

Asked by an American officer what punishment Japan meted out to peace-time deserters from her army, a Japanese officer replied: "I can not say; I have never heard of a deserter from our army."

Five hundred to the ten thousand of Uncle Sam's enlisted men desert yearly. Enlistment in the military service of Japan is compulsory, in the army of the United States it is voluntary.

In the first and second instances allow for the then vastly superior equipment of Japan's medical corps in the field, plus the more adverse conditions of climate which our lads had to overcome; and in the third instance allow for lack of tradition, and the greater temptation for the more nervously constituted American to break ties that bind him to another's will, and still a great gap yawns before.

Peace-time fracture of a military oath taken by an unfolding, impetuous lad may be adjudged too seriously, though it is reliably the deteriorating, or the deteriorated, who desert; but ameliorating circumstance can not alter the fact that the very life of a nation courses as the blood courses in the veins of its average citizen. There is nothing "just as good" as physical quality and moral stamina. The one usually implies the other, and both are indispensable to a human organism that will stand up under repeated rough usage. However exalted, patriotism will else but nerve us one day for a shambles, —shall we continue to pump bad blood into the national arteries.

They were not even such patriots, were the three-months Union soldiers whose term of enlistment expired just before the first battle of Bull Run, and

who marched off that field by the thousand at the first belching of Beauregard's guns; nor were the 200,000 Federals who turned their backs on the colors during the war; nor the legions of hyphenated Americans who made no bones about assuring the American people at the inception of the late crisis in Europe that they left their patriotic roots in the soil of their nativity.

Withal, the burden of proof is clearly upon those who hold literacy should be made a cardinal test for citizenship in the United States. Without the aid of the nearly-illiterate we should have been in a bad way during the War of the Rebellion; indeed, comparative illiteracy obtained then throughout our country, does now, and necessarily will if we are to get the work of the land done until the cunning of dynamics is further exploited. At the present time, only seven of one-hundred public school children reach high school, but five of the seven go to college, and many of the latter do not conclude a course of study there. However, crass ignorance that clings to foreign roots is essentially another matter.

The national census of 1910 attests that the illiterate children of aliens were then as one to three of the illiterate children of native-born Americans; but let us not forget the ratio of foreign-born to native, that of the greater number of aliens we are now receiving at least twenty-five per cent are crassly illiterate while brazenly non-social, and that the

majority of them receive such education as they get in an atmosphere if not un-American, or anti-American, then at least not calculated to inspire children so taught to stand for, and abide by, exactly that which the minds of American patriots envisage.

Education which connotes whole-hearted loyalty to and reverence for the traditions entire of the American flag is one thing; any other is fatally false in basic principle, and must prove no less in practice, in so far as the bone and sinew of Americanism is at stake. Shall we put up with parceling of patriotism, we shall go down first in parcels, and then in a heap.

In his "The Old World in the New," Professor Edward Alsworth Ross of the University of Wisconsin commands the attention of the thinking men of the country with his presentation of the alien problem. None other has given to that problem more profound analysis. Professor Ross holds bluntly in substance that they live in a fool's paradise who imagine the assimilation of the immigrant proceeds free of anti-American influences. He makes his brief carry, as witness in part:

"To bring about segregation of children into parish schools the public schools are denounced from the pulpit as 'Godless' and 'immoral'; their product as mannerless and disobedient. 'We think,' says a Slovak leader, 'that the parochial school pupils are more pious, more respectful towards parents and

towards all persons in authority.' The Polish, Lithuanian, or Slovak priest, less often the German or Bohemian, says bluntly: 'If you send your children to the public schools, they will go to hell!' Sometimes the priest threatens to exclude from the confessional parents who send their children to the public school. Parishes are formed for groups of the same speech, so a parish school will embrace children of only one nationality—German, Polish, Bohemian, Lithuanian, Croatian, Slovak, Magyar, Portuguese, or French-Canadian, as the case may be. Often priest and teachers have been imported, and only the mother tongue is used. 'English,' says a school superintendent, 'comes to be taught as a purely ornamental language, like French in the public schools.' "

Shameful it is that outwardly expressed reverence is not a distinguishing trait of the average native-born child of Protestant-American parentage. It is also a pity, having its inception in part in the misdirected offices of parental affection, in part in instinct transmitted to the child which moves him to self-centered acts, and in part in the growing tendency of parents to shunt their children into the streets, there to absorb the dugout manners of Gavrouche, the gutter snipe; but it would seem reverence for authority is also given quite too little of secular direction by the mentors of the offspring of aliens, who comprise about four-fifths of the

youths who face judges in juvenile courts. Still, that those straylings are headed for a literal "hell", is an unthinkable paradox in the light of a compassionate God.

Professor Ross describes as follows the drag on social progress due to the injection of 10,000 "sixteenth-century aliens" into the life of an anthracite town of 26,000 inhabitants:

"By their presence the foreigners necessarily lower the general plane of intelligence, self-restraint, refinement, orderliness and efficiency. The great excess of men among them leads to sexual immorality and the diffusion of private diseases. A primitive midwifery is practiced, and the ignorance of the poor mothers fills the cemetery with tiny graves. The women go about their homes barefoot, and their rooms and clothing reek with the odors of cooking and uncleanness. The standards of modesty are Elizabethan. Barriers of speech, education and religious faith split the people into unsympathetic, even hostile, camps. The worst element in the community makes use of the ignorance and the venality of the foreign-born voters to exclude the better citizens from any share in the control of local affairs. The single English daily has so few subscribers that it can not afford to offend any of them by exposing municipal rottenness. The chance to prey on the ignorant foreigner tempts the cupidity and corrupts the ethics of local business and professional men.

Familiarity with the immodesties of the foreigners coarsens the native-born. With the basest Americans and lowest foreigners united by thirst and greed, while the decent Americans and decent foreigners understand one another too little for teamwork, it is not surprising that the municipal government is poor and the taxpayers are robbed. The police force, composed of four Lithuanians, two Poles, one Irishman, and one German, is so inefficient that 'pistol-toting' is common among all classes. At times hold-ups have been so frequent that it was not considered safe for a well-dressed person to show himself in the foreign sections after dark."

Hard facts face to the constantly deteriorating quality of the average unit of the American mass:

(1) In 1880, 81.6; in 1890, 118.2; in 1904, 183.6, and in 1910, 204.2, per 100,000 of the population were enumerated in institutions for the insane. That is an approximate increase of 100,000 in thirty years, and the record is certainly worse since 1910.

(2) In New York State, the number of registered cases of the insane has increased 123 per cent during the last twenty-four years, while the population of the State has increased but 65 per cent.

(3) The State of New York has spent \$60,000,000 for the care of the insane since 1846, and \$30,000,000 for the care of defective immigrants. Those in the state hospitals have increased 104 per

cent during the last decade. The crux of the matter is that the bulk of \$90,000,000 has gone for the care of alien defectives and undesirables.

(4) Since 1904, 2,082,746 immigrants have taken up residence in New York State, to which figures about 1,400,000 have been added by birth. In New York City, those of Semitic extraction alone strike close to one-twentieth of the total population. The present conditions in Russia are largely due to the machinations of apostate Jews and former New York City transients.

(5) A special committee of the Society for the Prevention of Cruelty to Children reported February 13th, 1912, that 9,000 feeble-minded children were then attending the public schools of New York City, thirty per cent of whom were the progeny of aliens, or of newly-naturalized citizens. Since nearly all cities of the first and second class would probably give approximate figures, the estimate by Dr. Havelock Ellis of "one mental defective to every 184 of our total population" is in line with reasonable deduction.

(6) One-thousand-and-seventy-seven aliens from the Orient, out of 2,255 seeking admission from September 23rd, 1910, to November 30th, 1911, showed the ova of the hookworm, that most dreaded parasite.

(7) There were 15,000 suicides in the United



States in 1913. The smaller cities for the first time gave a greater percentage of suicides to the million inhabitants than the larger: sign of the letting down of intrinsic stamina.

It is informing to note how the foreign strain persists as in the crime group, through the insane, pauper, and feeble-minded gamuts, as observe our rearranged excerpts from the census of 1910:

(A) Insane, male, white, in institutions January 1st, 1910:

Total, 91,617. Native-born, 35,238.

Foreign-born .....28,415

Foreign and mixed parent-

age .....15,415

75% of nativity unknown.. 7,493

75% of parentage unknown 1,918

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53,241, equals 57% plus.

(B) Paupers, white, in almshouses January 1st, 1910:

Total, 77,734. Native-born, 32,458.

Foreign-born .....33,125

Foreign and mixed parent-

age .....10,077

75% of parentage unknown 1,289

75% of nativity unknown.. 266

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44,757, equals 57% plus.

(C) Feeble-minded, white, in institutions January 1st, 1910:

Total, 20,441. Native-born, 8,408.

Foreign-born ..... 1,247

Foreign and mixed parent-  
age ..... 5,413

75% of parentage unknown 3,231

75% of nativity unknown.. 798

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10,689, equals 52% plus.

Add the colored contingent to the compilations, consider in connection therewith the positive Negro problem, as well as aftermath war problems, and it would seem that we have chore enough to put the houses in order that are included within our continental boundaries and outlying possessions, without courting foreign complications.

Weighing the figures given, we are to cling to the cardinal fact that the foreign-born constituted but one-sixth of the total population in 1910, and to the further, neglected truth that native-born children of the foreign-born have been enumerated with the native-born under the Constitution. Those enumerations were falsely construed while we were standardizing citizens from the old pioneering stock. They now front facts that may easily prove fateful.

It would take three generations to make all-wool

Americans of the grand majority of aliens we have received during the last two decades. Assuming the intrinsic worth of such as prospective citizens, the consummation named were impossible, because an increasing percentage of immigrants are nomads who come, earn and hoard; go, and remove with them their earned increment. Could we close the national account with a monetary entry, it wouldn't matter in the name of altruism; but we can not take lightly the constantly deteriorating quality of the average of our people.

Additional immigration facts dovetail into the conclusions reached in this chapter:

For 1914, only 23,891 immigrants were ticketed for the great agricultural States of Iowa, Kansas, Nebraska, North Dakota, South Dakota and Oklahoma, while 344,663—over one-fourth of the total immigration—were destined to New York State.

The South Italians furnish the largest number of alien immigrants, and of those who emigrate. In 1912, 135,830 entered, 96,880 returned; in 1914, 251,612 entered, 72,767 returned. Southern Italians formed over twenty per cent of the total immigration in 1914. Recall thereof Chief of Police Cutrera's evidence.

In 1914, 790,607 persons, over sixty-five per cent of the immigrants for that year, were destined to five States—New York, Massachusetts, New Jersey, Illinois and Pennsylvania. These same States con-

tained 30.7 per cent of the continental population. At no time since the census bureau has compiled a record thereof have the North Atlantic and the North Central States contained less than 85 per cent of the foreign-born.

For the decade ending 1910, nearly nine million immigrants landed in the United States. That total exceeds one-third of all the arrivals from Europe since 1820, and would better than repopulate the New England states. In 1914, 1,218,000 arrived. This number would repopulate the States of Delaware, Idaho, Arizona, Nevada and Wyoming.

*Between 1900 and 1910 the number of natives of northern and western Europe in the United States decreased from 7,016,000 to 6,740,000, while the southern and eastern Europeans increased from 1,832,000 to 5,048,000.*

Millions of immigrants now show a marked distaste for citizenship. In 1910 there were 2,266,535 foreign-born white males 21 years of age or over in the United States who had not taken out their first naturalization papers, while in 1900 the number of such was 914,917. Putting it another way, in 1900 only 18.7 per cent of eligible immigrants had taken no step toward acquiring citizenship, while in 1910 more than 34 per cent had failed so to do. This argues an ominous increase of nearly 100 per cent of alien mercenaries.

Tracing census statistics we should neither unduly

emphasize factors nor miss their significance. Examples: It is to be expected that but 15.4 per cent of paupers reported January 1st, 1910, were able-bodied, else the bulk of the major 84.6 per cent probably would not have become a public charge. Entirely another matter it is that 67.3 per cent of all of them were mentally or physically defective, because the paupers might issue from more or less of unfortuitous circumstance, while the latter point in the main to congenital flaw. There is a distinct sociologic difference between pauperism by the brutal arm of chancery, and pauperism which is super-induced by physical and mental defect.

We are to differentiate further and sharply as between liberty-loving home-seekers and the like of the 71 per cent of Italian transients for the year 1912. This we must do because, from the ranks of such are recruited the most insistent perpetrators of the most flippant and far-reaching of social crimes.

The Congress is considering acts to regulate immigration to, and aliens in, the United States. If the bill that receives the President's approval is to be comprehensively operative, it must, first of all, breathe unequivocally that America has tipped the limit in attempt to absorb the world's refuse of humans. No nation can pile on that and remain either virile or virtuous.

Secondly, any such act that postulates a too nice

choice of aliens will fight itself; it will, particularly at this time, because foreign governments will see to it, in so far as they can, that we do not pick and choose of artisans they will need indefinitely for their own industrial reconstruction.

Palpably, our aim should be to induce immigration to our shores of young laborers who are sound from hoof to dome, and who bear with them the will to win out in the land of their adoption under its laws. We shall need them on our farms, and for the rough work in our shops. Ignorance that roots to nothing more alarming than restricted opportunity, and which still leaves a lad keen to distinguish between right and wrong and to dig for better fare, need worry nobody. The equipment in their teens of several of America's mental giants was little better.

The "reading test" would prove abortive for the same reason that Binet-Simon tests are passed at inflated values; both would tag individuals much too arbitrarily on warrant of surface signs which, in the majority of instances, are naught more alarming respectively than that the tagged had had not so much as a fighting chance for cultural improvement, or that the Almighty decrees the minds of His children shall unfold differently as to time not only, but also as to their choice of pabulum, and bent for activities. Otherwise, human attributes would parallel and front each other.

Further, legislation should provide for sufficient

of immigration department attachés to our consular service in countries whence come the bulk of immigrants. Again, no immigration act will prove restrictive in the sense that it is drawn, which leaves too much to the vigilance, honesty, opportunity, and capacity of the agents of common carriers. Once more, the Department of Immigration should operate under one, supreme head. There should be no such reading in an immigration act as, "under such rules and regulations as the Commissioner General of Immigration *with* the approval of the Secretary of Labor may proscribe, both as to the admission and return of such aliens." Such specifications impose divided responsibility, invite complications with conflict of authority, and reel out red tape.

Native or alien, child or man, our chore is to groove him in accordance with his bent, while we capitalize in him habits of industry, honesty, frugality, and moderation. In any case, Culture will spread her roots in soil best adapted to her office of preserving finite balances established in the Infinite mind.

Culture itself but creeps which does not sense similar truths in dissimilar facts such as that Guiteau, the slayer of Garfield, cuddled calculus; while the "almost illiterate" Confederate General N. B. Forrest was rated the most adroit field tactician and remarkable man the Civil War produced by distinguished experts like General Tecumseh Sherman,

Joseph E. Johnson and Lord Wolseley. Sherman's assertion that Forrest "never read a military book in his life" is attested by this incident of the issue at Fort Donelson: At a certain stage of the *mêlée*, Forrest should have ordered for the charge, bayonets fixed; but he couldn't think out the precise commands, so he yelled, "Punch 'em, boys; damn 'em, punch 'em!" So much for incurable defect, and virgin intelligence.

Be all as it may, the United States will be well rid of the jam of immigration for a breathing spell in which to adjust to the exactions of the newly-naturalized, and those who may decide for citizenship later on. During that spell, we must needs stalk and stamp out professional agitators who prey upon primitive passions, limited understanding, and lean pocketbooks, and who have thereby made it so difficult to fit American lenses to the majority of aliens we have received during late years.

During that spell we should also consider if it will not be good policy to enter into agreement with carefully-selected American companies by which they shall establish trans-oceanic lines and operate them in part for immigrant transportation to the exclusion for that purpose of all other American-controlled bottoms; the said agreement to include specifications for the manning of these vessels with such officers and agents of the government as would best conserve the governmental use of the said vessels



in peace and for war, on the declaration of which they should, under the terms of the said agreement, pass automatically to government control and be employed as scout cruisers. Then require of each and every immigrant, and of each and every nation whence he comes, that the immigrant shall produce at the port of egress a paper *stamped with the seal of his government by an authorized agent thereof*, which seal shall attest for the immigrant a clean bill of character, as well as of mental and physical health. Then search out the man and his vise before he is allowed to board any one of the aforesaid vessels at a port of egress.

A measure of the kind would place where it belongs the responsibility for deportable individuals. It should also assure their return into the hands of the said agents of the country whence they came, with reimbursement, in toto, for their handling, both ways. And it should leave us so few to deport that their numbers would be negligible.

If we can not close our ports of entry to immigrants transported in foreign bottoms, we can and should demand of such immigrants that they shall produce, first of all at ports of egress, the forenamed certificates of character and mental and bodily well-being. That regulation, plus the monetary imposition for deportables, would work out in due time to discourage the immigration to our shores of indi-

viduals who are deportable under our immigration restrictions now operative.

Once the scope of the intention of our government in the matter were spread abroad, it is to be presumed reasonably that immigrants would assure, in so far as they could at the port of egress, their landing and reception here. Then, too, it is a good guess that serious-minded immigrants, who seek to get a grip on American soil, would care to step at once under the paternal protection of the Stars and Stripes.

There are obstacles in the way of the departures recommended, just as there are obstacles in the way of all departure from time-bound custom; but negations which may be injected are trivial compared with the manifold and manifest advantages that would accrue from the faithful prosecution of measures certain to insure initial supervision and control over, and inspection and direction of, alien immigrants.

We should say that the officers of the vessels should include the following governmental representatives: Commanders and their immediate subordinates; Surgeons; Immigration Inspectors and agents of the Secret Service; Chief Engineers; Chief Electricians; and Wireless Operators. Then make the service and training of the entire crew correspond reasonably with that of a crew of a craft of the

line. And then we should not thrash about, hurly-burly, during times of stress, in pursuit of a nucleus of scout cruisers: cruisers shaped, manned and coursed all of the time to help meet any emergency that might arise.

## CHAPTER II

### CRIME BY SUGGESTION

Nothing cheats man like bad suggestion. Conversely, good suggestion is first aid to manliness. Could the measure of the former to induce oblique careers be put in print, it might stimulate to saner service for the dupes of crime.

Concrete expression demarcates suggestion and example, albeit they stand in the relation of skin to flesh in the molding of human clay. Their nearly synonymous meaning is to be understood here.

Whether suggestion is ocular or oral the result is relatively the same. Conduct is suggested mainly by way of the eye and ear. The rest resides in the reasoning faculty. Obedient to natural and acquired power to classify, that faculty assays the ideas and images conveyed to it by the senses. Lacking that power, the brain halts, the will wobbles, and the weakling flounders in a maze of conflicting magnitudes. Values are frequently established in the mind of such an one by self-pointed prototypes, themselves helped to unlawful selection by false suggestion.

Thereto attaches a tale much too complex for

synthetic treatment by restricted paragraphs. It is not the purpose of the writer to coax the reader into theoretical consideration of perverse man. Many have done that who have had no call to guide; many who have left earnest searchers with contempt for visible signs, not a whit less serviceable because falsely read.

For one, Lombroso stampeded the unthinking with a catch-phrase. He did so, in that human organisms are dissimilar and variable. Twins betimes come close to absolute similarity, yet they differ as to structure, function, mental bias, tastes, and traits of character. Anthropology discredited the "criminal type" fallacy, decades ago; yet many cling to a purblind paring of the parts of speech in crude attempt to account for the criminal.

Trading on the predilections of their fellows for gaudy coloring, not a few shrewd Yankees of old had recourse to pots of paint. Certain of their customers craved bizarre effects and got them in blatant, yellow-striped blue, spread over basic defects. For any twinge of conscience thereof the painter might have felt, he probably eased it with the thought that the sooner a man finds he can be fimflammed by a specious veneer, the better for his course and intercourse.

The sooner the taxpayer realizes that onerous taxation for the upkeep of criminals reduces largely to attempt to daub over their "basic defects," the

better for his peace and pocketbook. Also, it will be better for the criminal, concerning whom the man who pays will want to know about simple and amendable causes for criminousness. Knowing it, he will understand that thousands of inherently decent lads have been suggested over the deadline, and that pompous polysyllables designate essentially but a minor fraction of them. And then he will have gripped the fact that next to damning outright a wayward lad who is hell-bent on the toboggan of crime, is to prescribe for him incidental, "bizarre" prison activities, and for the rest allow him to hibernate, vegetate, and fake. If the subject is a truly graded moron, his very exactions assure the assertion, the which involves basic criminal suggestion.

No estimate worth considering can be made of the percentage of a given mass on whom criminal suggestion creeps and gives the final shove over the brink. Being a fundamental force, suggestion rings no bells as it takes up its mainly sub-conscious habitation; indeed, many an intelligent victim does not rate it as suggestion, even when it worms to his conscious thoughts and grooves them.

Crass evidence of the effect on the psychology of the mob of indirect suggestion, passing to direct suggestion, is in the minds of all who lend eye to such matters. Guyau cites this extreme case:

Following the crack of a pistol, fired in the Quartier Latin, Paris, a hatless man rushed out of a res-

restaurant and a'down the street. Pedestrians who heard the shot and saw the highly-excited one cut for it, took up the chase. "Stop the murderer! Stop the murderer!" they cried. Hard-pressed while hearing the cries of his pursuers, the terrorized man exclaimed, "My God! They'll kill me!" His pursuers immediately echoed the suggestion. "Kill him! Kill him!" yelled they, and it was done with their hands and feet; not advisedly, perhaps, and not necessarily so in order to press Guyau's point, which is that many individual and mob murders are due to suggestion either direct, indirect, or both, as was the case in this instance. The peculiar value of Guyau's recital consists in the fact that the proprietor of the restaurant fired the shot over the head of the waiter, for the purpose of bringing him to his senses as he sprang to assault the proprietor during a dispute about wages.

A common case in point is this: The last five lads received by the writer while he was Acting Superintendent of the State Industrial School at Rochester, N. Y., were committed for stealing coal from a freight yard. Each lad was questioned closely and induced to repeat the exact words his parent used when sending him for coal. In substance, the instruction in every instance was, "Go and get some coal." The parents knew that several arrests had ensued upon "picking" coal out of the cars in the yard. The boys had clear ideas

of the possible consequences of the thefts, but chose the alternative of depending upon their wits to dodge the arm of the law, and thus avoid the domestic hand. Such direct-indirect suggestion edges very close, of course, to crime by command.

But drinking in gulps to the lees of suggestion is only the gross way of getting drunk on it. Just as the inebriate is confirmed nip by nip while cocksure that he can spurn the concluding "kick" of liquor, so a young man may sip of criminal suggestion until his mind is intoxicated by it. Usually he will have vitiated his blood and brain first off through choice of the pace that kills. Thereafter, the slow grind is gruelling to him. Were it not, heads of hives of industry will have none of a roustabout who knows nothing worth while. He is therefore ripe for criminal suggestion,—the tsetse fly that puts conscience to sleep.

And then, turn which way he will, it is there, is the fly, buzzing before the young man's eyes: At the mart; on change; of the meat of the "movie" film; up and down stage; in the raucous if plausible voices of gangsters, and in the long arms of their masters who sack, then sacrifice, pawns; under spread-type captions in "yellow" journals which pander for pelf to the predatory instincts of the canaille; by the heavy hand of the "starker" and his pull on the purses and "influence" of meaner criminals who pay for murderous blows; issuing



from multi-millions of "water" in stock, pyramided slick sleight-of-hand- by sharpers who elect that the plodding consumer shall settle, oozed by oily politicians who play and pay to hold their jobs, and let virtue go hang; carried in the mandates of judges who are either justice-blind, or held at bay by one or another form of political chicanery; echoing and reechoing from legislation that is a joke, or is jokerized, or juggles with numbers while it jeopardizes equities; and finally, out of public opinion which suggests potential criminals into contempt for law and for agents of the law, and to bank on and "bunko" those who preen themselves while pushing prison schemes which suggest slipping lads into being but inefficient dependents at best; and at the worst, crass cheats, liars and maligners.

Because inertia makes the average man as lazy as he dares to be, it is well that the spur of competitive pressure is always upon him, though a certain percentage of the unequipped will foozle under that process of elimination; but they need not go down to crime in anything like the numbers they now do, and they will not when they can rely upon the right cue from those at the top.

The child is most imitative out of necessity. He is dependent objectively for rightly-ordered ideas. Mentally backward children particularly must be guided by sound example and suggestion. They stand or stumble with those to whom they look for

light and inspiration. While such weight of influence governs as to the acquired social worth of all children, the emphasis must be placed as given. Hence appreciable responsibility for the criminal of the money-mad who utter spurious coin of character. Mainly because of the wholesale moral thief it is that we have always with us a host of more petty, predatory felons.

A nearly-submerged lad cannot but seem to attest surface conclusions of the Binet-Simon specialist. He is, practically, a moron, yet he will note contrasts keenly enough. Essentially, it will be borne in upon him that the sprouting thief spreads "easy money" for luxuries, while he aches for a square meal.

"Easy money!" That is as if made to his order. He could earn a living by actual toil, but that he has been taught to spurn. Then why not the grab-bag? Why not, when everybody who is anybody to him has both hands in it? "Turn which way he will, it is there,—is the fly." And so, usually out of his blood and bringing-up, backed by the flood of anti-social suggestion and example exerted upon him, he breaks into the criminal game. Then he waxes a bit too bold about it, and the reformatory gets him.

And then what? What, now that he is trapped with the body and brain of him expressing the sum of his having been cheated at birth, and a devotee

of vice and crime? For him who therefor reasons obliquely from a depraved basis, what institutional treatment shall we prescribe? What, if he is untaught, unskilled, and sneers at honestly-earned money? Shall we pay out still more of crime-breeding suggestion to a slacker who would fake us with crude criminal cunning into the belief that activities which headed him for the abyss are the prime factors of a reformatory regime?

What of it if the bulk of male prisoners would elect to capitalize parasitical sports, and pass up progress? Does such natural selection constitute a sound reason for reversing the rational order of growth of an unfolding lad whom sin has debauched, and unfortuitous circumstance threatens to shunt out of so much as a fighting chance to make good?

What the trick of reasoning which specifies more than less of grind for the male child at school, and more than less of pug-ugly play for the man-child in prison? What the trick, indeed, when in the former case time is comparatively a negative consideration, whereas in the latter instance it is of cardinal consequence?

In order to prove efficient, the indefinite sentence must presuppose a closely applied course of education and training for ignorant, unskilled lads who are committed under maximum sentences which run to twenty years, but who make their paroles in fif-

teen months on the average. What warrant, then, is there, for charging their minds with the suggestion that the prison day is properly given over largely to the criminal rounder's idea of reaction to work, and the evening of the day to his crime-suggesting choice of amusement?

If the slogan "Beat it!" is, as it is, ever ready to the tongue of a class of felons who have been and elect to remain predatory parasites; and if the terse sentence does, as it does, adumbrate pretense and criminal cunning of anti-social drones to deceive, should we plan and prosecute for them, or should we sub-let the job to their criminal prototypes?

If a crime is a disease and the criminal irresponsible, as protagonists have had it baldly, why act on their paradoxical cue and assign the diseased and irresponsible to set up any part of a prison prospectus?

Whether crime is or is not a disease,—and it isn't, in the main, by so much as a malignant germ,—if having committed it fits singularly to prescribe for criminals and to preside over their destinies, ought we not select institutional staffs from those bred by criminals and educated to criminality?

If we are to be guided by the hardly half-opened minds of criminals who are always under pressure more or less ominous to decide for those with whom they trained in free life and touch elbows in prison,

why tax to pay the salaries of penologists? Or, since Nature will not abide monopoly, why confine to the criminal the acquirement of a most serviceable aptitude?

If the visible sign in an atmosphere of criminal camaraderie is the desideratum, why not begin at the beginning? Why not make a part of the public school course such as the ability to pick the pockets of a Fagin dummy figure and not jingle one of its pendant-hung bells? That were a fine foil for moving pictures, the bulk of which are crassly crime-suggestive, or worse; and for the present morbid craze over the fistic brute and his brutalities; brutalities which suggest the last abomination, and make babble about "disarmament" ridiculous.

Apropos, mark this suggestive paradox: The very cult that cried to the high heaven against infliction of a fatherly spanking by a public agent on the persons of persistently refractory lads, is the very cult that winks at pugilistic barbarism in the roped arena which leaves mere bantams of lads' faces to the floor, prone and senseless, with the blood streaming from their mouths and ears. Such seasoning of the social broth must sorely tax the patience of an all-merciful Father.

If it is unthinkable that school children shall run the schools, college lads the colleges, privates the army, and patients the hospitals, substantially

why should we yield the disciplinary reins of a prison into the hands of weaklings; weaklings by the very fact that they had not mastered the crime instinct?

Granted that to the general population of a prison the head of it should stand in the relation of father to family; but why has he need of inmate vicars to do it? If he is a real criminologist by right of thorough preparation and experience, is true-hearted, broad-minded, and far-sighted as he should be or not be at the head, why proscribe his citizen staff and break his best hold on a big thing through passing plenary powers to prisoners: ergo, to those who were not even wise enough to keep out of prison? Why not himself the better plan, direct, pursue, decide, and require of his subordinates that they shall adjust to his ideas and carry out his instructions? Why decentralize power which can and should be made the highest in potential?

Let surface indications be what they may, criminals are bound by ties which no junta of imprisoned felons would dare ignore. Then why risk vital throws to those, a certain percentage of whom are bound to let the State down by way of subterranean routes, into all of the windings of which a warden could not penetrate with the wisdom of a Solon, mirrored by the countless eyes of night? Can suggestion of its kind be more pernicious than that which

motives the prisoner to euchre reformative endeavor?

Collated in cold ink, such queries seem to border on bouffe; yet they shadow forth methods which the ill-advised, unequipped, and flippant would fasten on a fundamental work. As played by some, it would appear that the game of penology is to see which one can overlap the others by the widest margin with the last freak manoeuvre, charged with the most of anti-social suggestion?

It is inconceivable how so many whose judgment is otherwise dependable, can be betrayed into the belief that relative nothings like baseball and bone-rattling are vital adjuncts of prison and personal reform. Prison sports have their best use giving body-free exercise on a week-end afternoon. Beyond that they are easily overdone and made non-reformative. Better procedure is to turn the men into the open and let them frolic and converse at will, thus exercising the mass, instead of the few.

Sports stagnate when run athwart of the wholeness and wholesomeness of correctional training. Where military calisthenics are daily interspersed with periods of free conversation and movement in the open, by-play is ordinarily of consequence minor to regulations which require of the men that they shall take scrupulous care of their teeth, feet, and person. Contrariwise, sanely-applied exercise is essential for those whose movements are otherwise restricted. First of all, the worst of humans must

be allowed to stretch their muscles freely, if we expect them to align for reformation.

Humanitarian efforts are never wholly wasted on prisoners; albeit to wander too far afield letting down bars freemen have to keep up, is to cross the best of intentions.

The trend of nigger minstrels, and their ilk, in prison, is unerringly to the gutter; hence, they should be sliced sparingly between saner forms of amusement designed to educate as well as to please, and to break the monotony of the early-night schedule.

The problem of reformation never requires less than the best of all reformatory agents through assigning to each its due place and prominence. The current itch is to confound magnitudes, and to arrange regimes in reverse of the order of weight for influence. Weighing truly, the living thing may be done for a physically laden lad through turning him loose into the sunlight, there to relax as he lists. The exactions of the individual case often reach beyond the range of hard and fast rule.

Methods of reform are uniquely subject to limitations; yet in whatsoever we labor to lift a prisoner out of the mire of fault, we have to hug the truth that the average employer will do no such thing for him, short of palpable efforts for himself of the man on parole. What he *thinks* of us may be incidentally important; but what he can *do* with his hands



and brain is always the vital consideration. To suggest else to the prisoner is to suggest him into crime.

The average man on parole will not endure unless he can command in the labor mart. Therefore the building up of him in prison needs must proceed from broad bases, such as that crime stalks the industrial dunce and drone; that social rehabilitation smiles on the paroled man who has the will to market skill won within prison walls; that the criminal reduces largely to habit, as do we all; and that industrial habit often induces man-like expression where precept fails to strike in.

The primal duty of correctional institutions should be to teach their charges serviceable occupations, and to teach them to stay taught. The latter phrase presumes the spiritual side of the instruction, and timely suggestion to charge the minds of the pupils with the importance of that side in the formation and reformation of character.

To lend a mere smattering of handicraft skill to the average of convicted felons is dangerous; it is dangerous not because of the illegal use he can make of it, but for the reason that he will quite reliably cave in when, having tried him out, his first employer refuses to take him at his own, nearly always in such instance, inflated trade valuation. Naturally, he will hold in contempt thereafter a prison-taught trade which relegates him to the level of a scrub ap-

prentice whom journeymen chivey, and with whom they break industrial bread grudgingly. Employers advisedly refuse criminal records tacked to less than mediocre tool cunning, when skilled crime-free men are available.

Therefor utopian projects for placing prison-paroled apprentices can but serve to further muddle prison methods, and to further muddle public opinion concerning those methods. Laudable, for example, as is the much-touted "Ford way," it would break the average manufacturer should he essay a scheme favored by an abnormal demand for automobiles in general, and for the Ford machine in particular.

Only in the prospectus is the automobile game all sunshine, soul-stirring scenery, and smooth going. Sundry "joyriding" which few can afford, and which no young woman should be allowed to dare, either morally or physically, is already docketed a contributing cause of crime in the biological boxes of reform institutions.

George Fitch, the writer of the delightful "Vest Pocket Essays," enlarges somewhat in one of those essays on our idea, in these words:

"The bona fide farmer puts in all his oats in a few days, but the happy young man with the soft pompadour hair and the pellet of gray matter under his left ear sows wild oats with industry for as much as ten years at a time, frequently working

twenty-four hours a day at the job. Wild oats were formerly sown by hand, but machinery is getting into the field of course and at the present most of them are sown by automobile. An earnest toiler in a fast automobile with a few assistants can sow enough wild oats in one evening to reap about four decades of unavailing regrets spotted with divorce suits, personal injury damages and red-nosed gloom." Also, he can and does, vitally aided by speed, while under cover, sow death and destruction.

Even if all were beneficence that pertains to creations which encourage the craze to compete with the bird, and which take their daily toll of human lives and of the higher duties of the living; and were the wage sheets of factories that pay an unnatural wage sprayed with the names of ex-prisoners, they would pluck but a hair from bristling crime; they would, because abnormal industrial conditions can not long endure, and can not therefore long retard elimination of the industrially out-classed; and because of the primary and as yet unsurmounted difficulty, that approximately fifteen per cent of felons choose to be and to remain predal parasites who break the law as flippantly as they challenge arrest, and sneer at conviction and imprisonment.

When a persistent lawbreaker can be weaned from the breast of crime by moral suasion plus the chance

to earn honestly "five dollars per," he is not and never had been, a "predal parasite." He is and always had been something of a Jean Valjean, the psychology of whose exaggerated case has been so faultily analyzed and applied.

It is some piece of road up grade from your habitual criminal to an intrinsic Jean Valjean; to Jean the breadwinner; to Jean who passed the substance to his sister's child and gnawed bone at table when he couldn't win bread; to Jean who would have gone on gnawing at bone rather than have taken the long chance for himself with his fists which he took that he might stay the hunger of the loved ones of his house; ones loved in a snarling, wolfish way, to be sure, but to the bone; and the Jean whose soul the good Abbe could singe with his silver candle-sticks, and whose knees were brought to earth by afterthought of the accusing cries of the lad Gervais over the loss of his Louis d'or. Jean's shoe planted stolidly on that piece of gold symbolizes the "predal parasite's" mental attitude towards precious reform metal strewn in his path.

Jean's subsequent self abasement and consecration to the good of his fellows served well the quill of the master of didactic, sledge-hammer fiction. It serves as well to point Duty to the last and least of men, though it utterly failed Hugo at his own hearth. There, he could not father even a brace

of his very own, whom he indulged in character-killing license and thus suggested them on to vacant lives and violent deaths.

Specifically in regard to his studied sneers at the badge of authority,—most pernicious of suggestion—and to his helplessness to do for two of his own cubs that which he demanded of others to deliver for criminals, Hugo reminds of certain present-day propagandists. They, too, stretch hyperbole when they suggest felons into the belief that agents of the law are nasty to take and sure to disagree. They, too, thereby speed potential criminals to prison and back therefrom to “vacant lives and violent deaths.” They, too, fail miserably when it comes to really fathering sin-scorched humans in all that the term fathering implies; and they will until they grub for the truth that certain of “sporting,” as well as “Idle hands find employment in the workshop of the devil.”

The kernel of crime lies within the shell which covers the ill-fated “fifteen per cent”; hence we needs must help build, and lave, and salve so as to reach the mounting fraction that keeps the keeper agog. Most of that fraction can be reached, but not until all engaged at the saving pull practically the same car, take sufficient of time, pains, knowledge and common sense to the task, and the States appropriate wherewithal with which to man and groove a gigantic undertaking.

Trumpeters for freak measures of reform quickly brand squirming humans at the bottom of the leap "incurrigible," and pass them up in order to forward and feature reformation of those, the major number of whom reform themselves once they are helped to a grip on the manual of man that comes with maturity. Thus our friends decline the fundamental issue.

In any case, shifty yet shiftless prison activities which suggest to prisoners that crime is negative, the criminal a joke, reformation a matter of minutes, and that singularly helpless and needy felons are abused when not amused and encouraged to labor or loaf, accept and reject much as whim may dictate, are bungling caricatures which should shame other than the budding brain of a stripling. They are also close to criminal.

The returns are so eloquent of how the foolish are fooled that they ought to arrest the attention even of the foolish. Just in these localities where *creme de'mint* criminology has had its longest fling and staunchest supporters, just there relatively the greatest number of criminals of all grades and ages are in the saddle; and just there the identity of the recidivist is lost in the very maze of his varied offenses. Just there, where suspended sentences and successive probatory extensions for both occasional and many-offense criminals have issued most liberally.

Not the least pernicious of anti-social suggestion is that which anchors prisoners of parasital persuasion to their chosen state of mind. In that state of mind the prisoner plays up to his conduct record, and down to reformative endeavor. Habitually, and for no good reason which he can name, he is found far short in his trade, school of letters, drawing school, and military averages. The ulterior, oft-times cunningly-concealed and "worked," yet brazen enough by-the-book motive of such an one is, of course, to go and get away easily. Without regard for his essential preparation as a prospective social unit, he would "beat the place" and stamp prison dust from his shoes into free air at the earliest possible moment. That such a course is understandable from the criminal's point of view, constitutes the one best reason for combating that viewpoint. A bandit-drone who elects to deceive, and to drift with the criminal tide, may be so marked by nature and negative circumstance as to palliate his oblique selections; whereas there is no defensible extenuation for a reformative agent who suggests and abets those selections. In effect, the suggestion indicated clasps hands with crime and stamps it with the seal of authority.

The reverse side of the canvas justly scores convict and intermediate prisons wherein senseless impositions and deprivations serve but to suggest new tricks to old masters at trickery; but while destruc-

tive of the very purpose for which they are imposed, those measures are mildly pernicious as compared with methods of approach and attack which suggest all kinds of license and criminal chicanery.

As between the brute with his billy and billingsgate, and the pseudo-criminologist with his press agent, chimera and pose, the burden of fault lies with him who has had the greater opportunity to weigh related human values. Each in his particular domain waxes pestiferous. Because of what they do not know, do not make serious effort to know, but do suggest to prisoners, both should be bowed out of reform enclosures.

While such extremists have battled for extremes to little or no purpose, as extremists usually do, scribes have scribbled little better than scraps concerning the capital matter of crime by suggestion. Explanation is not easy when one has but to dig with ordinary horse sense to know that deviltry, or divinity, dominates in the human animal quite by right of natural sequence; which is to say: quite by right of the kind and weight of suggestion to which he has been subjected.

Penmen do not mention the important question of babe-culture, and do dismiss the all-important problem of child-culture with a few terse sentences strung to platitudes; albeit perverse will unchecked during childhood engenders by auto-suggestion an exaggerated egoism, much of which can and should be ar-



rested at the mother's breast, and most of it at her knee. In very fact, pre-natal influence may decide the destiny of the human-to-be.

The essential relation of the preceding paragraph to the caption of this chapter consists in the fact that a safe ninety per cent of crass criminals are abnormally self-centered; hence their reaction to the ills they visit upon others is either nil or far below normal. And so young Westervelt, the cold-blooded, two-fold murderer, could remark of his mother who had just crooned over and left him for good at his trial for the butchery, "I'm glad she's gone. I'm tired of her blubberin' and slobberin' around the court room."

Judge Ben B. Lindsey coined this meaty sentence: "The time to reform a man is when he is a boy." The Judge would have treated us to still more of truth had he pursued: "And the time to reform a boy is when he is a babe."

"Let me instruct a lad up through his seventh year and I do not care who instructs him after that," Ignatius Loyola, S. J., puts it substantially to the point, since he postulates all of good suggestion from the cradle "up" and epitomizes the primary means of preventing crime, in so far as crime can be prevented through interposition of human agencies between it and the individual.

Withal, it is not given man to frame other than

qualified sentences indicative of means by which moral stability may be assured to the last of his fellows. Physical climacterics alone forbid. For instance, final analysis of certain phenomena associated with puberty is denied all cults and culture; immutably so, because thereof every lad is a secret law unto himself. The period of adolescence marks in the one the arrest of criminal tendencies superinduced on call of the mating hunger; and in the other, aggravation of those tendencies. Ofttimes the lines are shadowy, subliminal lines, elusive to the soul's eye of the subject, and patent in part only to the microscopic vision of the specialist.

Assuming a strong heredity with rational bringing up, the event will usually issue out of the intrinsic moral fibre of a lad. Assuming a tainted heredity and irrational bringing up, and we have a potential sexual pervert and pleader in the court of last resort.

Psycho-physical cases are no strangers to our contentions. Take two: Given Guiteau to instruct "up through his seventh year," it is highly probable that Loyola could have relaxed the child's nervously tense body and brain, while grooving his thoughts sufficiently to have prevented the man Guiteau from draping a nation in black by his act: yet of that no man can assert dogmatically in the face of the fact that nature made of Guiteau a neurotic-erratic

peculiarly susceptible to relapse. Conversely, nature had no more to do with Muenther's murderous attempt on the life of Morgan, than she has had to do with the anti-social acts of thousands of others who were nearly normal throughout the plastic years, and whose brains cracked thereafter through double stuffing with ideas too closely related.

Assuming the same situation for Loyola and the child Muenther as assumed for Loyola and the child Guiteau, the premise reached in the latter case would not hold water in the former, because the bent of the mind of the child Muenther was rationally religious and humanitarian; therefore his thoughts were grooved nearly, if not quite as Loyola would have striven to groove them; and therefore the reasonable presumption that the striving might have hastened expression resultant upon selection of overdoses of disturbing mental food, half-digested by a hobby-rider who gave no heed to flabby muscles and rebellious nerves. And yet, *if* Loyola could have read in the child's face that which was palpable in the countenance of the under professor, the mentor might have rooted his pupil to rational thought.

However, no capable analyst will deny that a safe seventy-five per cent of moving pictures visualize the vicious bravado of one or another kidney; nor that they carry the young with the crassest of sexual suggestion through laxest acceptance of both the moral and man-made law; nor that they turn

common sense on its head, while they suggest perpetration of more of common rascality all too prevalent.

The distinguished hand-writing expert, Mr. Albert H. Hamilton, rates suggestion carried by moving pictures "the most prolific cause of the growth of crime." He pursues: "The lurid motion pictures are the dime novels brought to life. I know from cases I have handled and personal experiences I have had, that the stories of crime produced in the film works on the emotional natures of a large class of young people and incite them to crime. *I have traced crime directly to the 'movie' in many cases.* The present censorship doesn't amount to a row of pins. I have purposely visited many of the motion picture theatres to try to ascertain if there was ever a reel without at least one crime picture in it, and I have rarely found one without some suggestion of crime in it."

Few would differ with Mr. Hamilton did he declare the determining influence to anti-social acts of the class of pictures he indicates on the intrinsic mock-heroic, the weak-willed, the crime-tainted in blood, and those in whom the call of sex is abnormally strong. Then there are the gradations of varied appeal in the picture, to one or more of which the perfectly normal individual will react more or less, even while he shunts them to the subliminal and holds them there.

While an hypothesis may be framed to serve falsehood, certain combinations of words cannot be shaken from the shoes of Truth. The phrase, "Moderation in all things," is one of them; indeed, it is the particular slogan which every individual who would help the imprisoned wayward mend their ways, should pin in his hat. The mere pinning will not alter the attitude of the rough-and-tumble guard toward the prisoner, neither will it clear the mushy brain of the man-child of emotional by-products; but it might lead both to dig for and ponder facts, such as that history holds about equally for the hatefulest of wrongs visited by man upon his fellowman, those who were marked with moral scars, and those who wrought believing themselves to have been the direct agents of Deity.

To whom pinning and digging does not appeal, current history will remind that naught restrained men from waging war on women and babes this nearly two-thousandth year of our Lord; men who in the same breath affected to break bread with the Christ.

Conversely, it seems clear enough that, when not entirely lacking, the emotional balance wheels of Bunthornes of reform are geared dangerously high. Certain it is that those individuals base their efforts for prisoners on effusions such as that "The history of human progress is the history of expressed emotion."

Is it now? It is not true that much of the history of human progress resides in the history of repressed emotion?

Does not the average graduate of the pasture lot gather there that he advances human progress when he expresses emotion rightly, and retards it when he expresses it wrongly? How about it, shall he have expressed emotion with vile oaths which carried to the ears of kids and comrades?

Did Newton express naught but emotion during the drab, dragging years through which he labored to lick the lie out of his figures?

Was all rooted in emotion which enabled Isabel of Castile to heal Spain of her running sore of lawlessness? Did not that national condition come largely of piling emotional license upon emotional license until "In the streets of Seville robbery, arson, rape and murder were hourly occurrences during the daylight hours"? When the great queen had restored her country to respect in the family of nations, was it not out of the emotional side of her dual nature that she sought to violate individual conscience?

What was the suggestive result of the nude dance on the morals of the women of ancient Sparta?

Strip Waterloo of ifs, consider certain of the emotional uses Napoleon had made of himself prior to June 18, 1815, and have you not one deep-seated reason for his crushing defeat on that field? And by the way, the Cuirassiers of the Guard were

not swept into the "sunken road of Ohaine" and by their mounts mangled there, as so graphically described by Hugo in *Les Misérables*. The "Ohaine Gap" had little to do with the initial reverses suffered by Napoleon's matchless dragoon cavalry at Waterloo. So much is taken out of "the hand of God," where Hugo placed it, and given over to the melodramatic discard. The point is that the melodramatic discard condemns a dishonest myth of the imagination, shorn of the meaning of which bruised France limped along very well while Hugo was dishonoring his word, his just debts, and the law of contract of his land. And that alloy in the metal of a man who baited and belittled honest agents of the law, while he exclaimed incongruously, "There are no trivial things in life!"

What to do with crime by suggestion have the immediately preceding paragraphs? The broad answer is by the counter query,—what of emotion wrongly expressed has not to do with crime by suggestion? The specific reply tells that no single-seeing extremist is fit to suggest his overdrawn line of thought to prisoners whose complex needs are variable with their moods.

The prescribed field for the ultra-emotionalist who sees reform endeavor through a monocular lens, should be the free-life kindergarten. There, he could suggest baby-play without regard for any other finite thing; there, his false, flabby catch-

phrase wouldn't be understood; there, his maudlin makeshifts would meal nicely in the minds of the ingenuous, whom to amuse is to bless; and yet, even there he could observe the brazen-faced, mock-emotional liar, so branded at birth.

Hap the grown-up liar lands in prison, by then he probably will have molted all but the last feather of truth. Still, he can convince blinkered sentimentalists that the Appian Way to reformation leads from allegations passed to them sub-rosa by habitual felons and liars; free-lances in free life and punters in prison, whose underlying grievance is aimed, not, as they assert, at prison methods and prison officials, but at society as a whole, because society will not allow them to ride rough-shod.

More of masked suggestion of the indirect variety is that which prompts criminals to induce the purblind to press for prison conditions analogous to those which obtained in the old-time volunteer hose-house, where the habitue willed to run or not to run to rope. Having brought about institutional in-harmony and inefficiency, sellers and sold thrash about setting the prison stage so that the ensemble will suggest to the layman that Justice a'tossing pardons to those whom she had so grossly persecuted is the one image lacking to make the scene perfect.

Those serious in desire to probe to the back of the heads of criminals who are always on edge to blame one or another limb of the law for their bat-



tered social standing: essentially, those who would know of prison-acquired tenderness at the seat of egoism in those heads, and how easy it is to sit down on the seat, need not turn prisons topsy-turvy to do it. Any metropolitan daily will enlighten them, almost any day, along the line of this excerpt from the New York Times:

"NEW MONMOUTH, N. J.,  
"October 9.

"The report of a shotgun discharged shortly after one o'clock this morning, aroused the whole neighborhood of the house occupied by Miss Nettie Walling and two maiden sisters whose ages range from fifty to seventy years. The sound had come from the Walling house. Upstairs the sisters were screaming, shrilly and in chorus:

"'We've got a burglar! Help! We've got a burglar!'

"And audibly only when the women paused briefly for breath, came the cries of a man in great fear, calling: 'Yes, come, and get me. Yes, come and get me. They've got a gun. Come and get me.' Outside the men (of the neighborhood who had assembled) called again and again. Inside the women shrieked and the burglar called for help. At last they broke down the door and a dozen men rushed inside. There, crouched between the wreck of a window in the hall, was the burglar. Opposite him

stood Miss Nettie, the muzzle of a shotgun which she held, wavering and wabbling but pointing in the general direction of the frightened man."

"'Thank heaven,' murmured the burglar, as someone grabbed the gun and others grabbed him. Then reproachfully, 'She shot at me with one barrel, and it's a mercy she didn't kill me. The charge went through the window over my head. *And I wasn't doin' anythin' only standin' like she told me!*'"

"Miss Nettie had surprised the burglar in the hall, and had kept the gun pointed at him while she and her sisters screamed for help—the sisters too frightened to leave their bedroom. 'I didn't aim to shoot the man,' declared Miss Nettie. 'This pesky thing just sort of went off by itself, and anyway it didn't hurt him.'"

"And anyway," as Miss Nettie had it, you may scrape with a fine-tooth comb and not get evidence more pat to our points than are the above underscored words. He, gun-hung, "wasn't doin' anythin',"—but calculating to rob old ladies whom he thought defenseless.

Every man who has done anything worth while for criminals has had to pass through a peculiar transitional process. Many of the self-obsessed have peddled it to the public that the process is "a hardening process." The man himself knows it to have been an infiltration of wisdom wrung out of unchangeable fact backed by immutable law. He knows, too, he took somewhat of oozing in and ooz-

ing out before it struck in that it was up to him to do, not as he would like, but as he should. Arrived at that conclusion, he was a more useful instrument, with a deepened sense of pity and obligation. Shrive, deprive or punish, he understood at last that his first duty to the subject whose destiny he must in measure point, was to *understand*. Criminologists who have been pestled in that crucible, understand:

(1) That a correctional institution is as the lengthening shadow of the man at its head.

(2) That the man can't cast a perfect shadow, since "There's a crack in everything God makes." But that if the man is so big you have to strain to see the crack, he is well placed; and that if the crack is so big you have to squint to see the man, a reform institution is the last place on earth for him. He will suggest there more of the oblique in a week than his executive staff can straighten out in a year.

(3) That all but the last iota of querulous complaint made by criminal rounders is grossly exaggerated, when it is not made of dream stuff; and then when it carries tissue of truth, it is given over to those high in authority for no good purpose. More: that the agitator nearly always has a hand in initiating the trouble he reports.

(4) That the appointments of many of the prisoners of the State are an offense against humanism;

just as it is at once an offense against fair play and crime-breeding, for self-seekers to charge practical penologists with blame for conditions which they know the latter have time and again asked state legislators to ameliorate. All of untruth is, in the end, reactive. Nothing is gained for the criminal through calling false turns.

(5) That if melodramatists of reform continue to have their way, prison conditions will reduce to the level epitomized in this fruitful exhibit:

"This is *some* joint. No work, plenty of good eats, and a bum argument every minute."

In view of the second, third and fourth counts, the emphasis placed on the "some" is superfluous; but, 'tis pity that a master of the epigram should leave one laboring with his final phrase. Is it a gibe aimed at would-be mentors, or does it just refer to the usual dirty talk over dirty business? Probably the latter hits it off. In any case, we venture the guess that the penman is a chronic officer-baiter.

The extract was taken from a letter found on the person of one George Wilson who, with his "pal," Thomas Nolan, were old-time members of the notorious New York City "Whyho Gang." The two were under arrest for "assaulting and robbing a sailor in front of No. 9 Bowery." The letter was from a prisoner then confined in an institution run ostensibly for the purpose of reform, for which tax-

payers part with toil-earned dollars. It is easy to over-season a perfect broth, such as is the "exhibit" quoted, but,—what is suggested by it, and what had been suggested, in prison, to him who wrote it?

(6) That it is beyond the length of man's cable-toe to fashion a frictionless machine with which to mill human imperfections. When such a machine is alleged, dig beneath the surface and disclose fateful faults divided about equally between those which are privative, and those which are nugatory. Suspect, even, are the conduct records of an institution that requires but indifferent results under free chatter for unskilled felons,—say nothing of the "no work, plenty of good eats, bum argument every minute," abomination. And it is of secondary significance as to whether or no the quoted words carry absolutely literal meaning; it is all-sufficient that they bespeak the spirit of endeavor in an atmosphere charged with the anti-social reactions of criminal malingerers.

A lamb-like spirit ostensibly may move the mass of inmates of such an institution; greetings may pass freely between officers and inmates, as greetings should, if they are manly, and are not gutter "guff"; dress parade features may be painstakingly dressed; slick, smooth, smirking "trusties," whom those of the submerged dub "ring guys," may convince open-mouthed visitors that the drifting policy was con-

ceived in prescience for twentieth-century prison application; and sentimental architects of the structure will affirm that so much as hint as to its narrowness of base to height, is out of "The School for Scandal." Yet: let local agents but attempt to give effective reformatory direction to the work in hand, and the local disciplinarian will soon enough learn that certain prisoners distinguish keenly as between prison activities which "ease them out" of prison while they confirm criminousness, and activities the aim of which is to leave the flippant floater excusable only unto himself.

(7) That a rational prison regime represents symbolically a two-edged blade, one edge of which cuts as for the shrived thief on the Cross; the other edge of the temper which moved the Christ-man to clear the tabernacle of money-changers; and that both edges should front him who would stuff minds with depraved ideas which already train oblique thought on action.

The prison-worker may rest easy in his soul while he will have none of "pug-ugly" practice; nor of sexual suggestion; nor of dime-novel banalities on and off stage; nor of activities and inactivities that make of prison grounds places on which prisoners pass what they flippantly call "sleeping time," while they "work the place," thresh out old villanies, and concoct new ones; nor of any method whatsoever which would turn over any part of a prison regime

into the hands of convicted felons, and thereby by suggestion make the method, the State, and local agents alike ridiculous in the eyes of prisoners.

Some who affect to see from the "hill of vision," will strip the writer of the last spiritual shred. Doing it, they will thrum that much-overworked, much-overrated, one-string, oftentimes out-of-tune tune, "The Personal Equation."

The writer's answer is that he has had hundreds of letters, penned on nearly every sea and shore, from ex-prisoners who were doing well, and who ascribed that fact to efforts put forth for them by the writer; yet he reads in those letters mainly but the message courteous. When he shall have been tempted to arrogate unto himself credit which belongs to the great big machines of which he represented but one little cog, he will have been placed under the ban of ordinary horse sense. But, he has never, wittingly, sent forth a scintilla of false suggestion.

"The darkest hour in any man's career is that wherein he fancies there is an easier way of gaining a dollar than by squarely earning it," said Horace Greeley, who must have held for no less as to reformation of character. To that, we may neither pad nor pelt a man. It will issue only out of his changed habit of thought and action, obtaining largely because of efforts with and for him of men who suggest to him only what is beyond reproach; men who

understand why it is that even so intangible a thing as sub-conscious suggestion, carried in a lowering sky, and tracing to pre-natal influence, may press upon a prisoner for execution of acts the rashest, while apparently motiveless.

Summing up in the matter of crime by suggestion, tie to it that suggestion which initiates the doing, is frequently of far less import than suggestion primarily responsible for the leaving undone; as, for example, camouflage with a modicum of truth told, in order to conceal the bulk of truth withheld.

Tie to it tightly that your miracle worker of reform, when not a mountebank pure and simple, is much too personal and singular; for it is so written in a red record.



### CHAPTER III

## LAW MADE TO LIMP—JUDGES WHO HAVE JUDGED NOT—CLASS LEGISLATION

This chapter is written under triple caption with little regard for closely-related sequence, because crime-breeding influences immediately named interlock singularly in the United States.

Much of law-making and law-breaking in America provokes to the kind of mirth that foreshadows impending disaster. When a people would joke national menace out of face, they are desperate, or they drift.

The American people are prone to shunt ills in the body politic with a laugh,—and drift. They have drifted since they took over the national framework from the pioneer forefathers. They drifted into internecine slaughter of their most precious sons; into a colossal immigration policy never free of fateful features, ever miserably muddled; into petty war with Mexican brigands during a threatened break with Germany, owning not a single approved airplane; and they drift into a constantly enlarging labyrinth of legal mandates, through the

meanderings of which the human mind may not pick its way.

When the legal clue is as clear to the lay intellect as "Pigs is Pigs," it waits on the shifty juggler, who halts it with lurking technicalities, or plays upon spurious sentiment superinduced by a capricious public opinion expressed in the jury box.

Frequently the legislative mandate ostensibly stalks big game with paragraphing baldly unconstitutional, or "jokerized," or so loosely assembled, as to be a joy unto the hair-splitting brain of the legal ferret.

Even as to the national court of last resort, the lay mind bends grudgingly in reverence to legal authority divided against itself concerning moot points of constitutional law. What good, for example, is gained through publishing the minority counterviews of that court? Why not declare the majority edict and let it go at that?

In any case, mention law to the layman and he is at once helped to the near synonym. Quibble is the word; quibble aimed cunningly at the unsuspecting jurymen, and brazenly at the reverent justice to the limit of his professional patience. Nor code, case or place feazes the shyster trickster, who elects to pettifog the most of money out of, and moonshine into, an issue. It is further to be expected that one who spurns the high call of his profession will "work both sides of the street."

Tainted practice of it has given a bad name to the law, common arraignment of which is that it is made to line the longest purse; and in so far as an attorney abets practical confiscation, he may not bow out participation with the smug claim that he serves his client. However, strictures of the kind unduly personify an instrument which functions as man makes it function. Out of leprous hands, even basic law deforms and destroys; but being man-lettered and executed, it is washed of accountability for bad government.

The common law is but an enlargement of the Decalogue with detailed penalties attached; yet when and where it is inoperative in America, it is so very largely because avaristic frankensteins have been read into the body of statutory law to do the bidding of the money-mad.

Thusly to bolt legal broth is no new resort of man. Always he has refused equity for a mixture into which he could ladle a base element that denatures equity. Avarice is about equally distributed in the human family. Hence, while refusing so much of law as is not made to serve them distinctively, and having learned too well their lesson from those to whom they paid tribute for so long, certain classes of wage-earners knock hard and consecutively for legislation which, if put through, will garrote the gold-laying economic goose; it will, because "Nature hates monopoly" and won't stand for it; won't for

the reason that it grounds to group imbecility which would disrupt the natural, economic balance.

It seems not to have been borne in fully as yet upon either capital or labor that the economic tripod can not stand on two legs. At any rate, both still hold lightly the economic rights of intermediate wage-earners, albeit they can wield the balance of power any time they see fit to act as a unit. And, sooth to say, salary dependents particularly have pretty nearly their fill of the two-pluck-one game. Lean picking all around under such a check would be worth while did it fix it in pelf-grooved minds that getting and holding, designed to kill off fellows financially, is certain, sooner or later, to provoke the last reprisal.

Coming down to the manner in which penal law is made at one moment to serve the offense and the offender, and the next moment to exact the last ounce to the limit of its specifications, there can be but one opinion. Commonly, 'tis a far cry to justice after a merry tilt with the absurd: as if common sense had left a Pandora box of law in the keeping of Chance.

On the one hand, it is prison for a harmless punter far hawking harmless verse. On the other hand, a Fein, notoriously known to be a XXX habitual criminal, is repeatedly and consecutively placed on probation, or paroled by hook or crook concerning brutal offenses against the person. The

one, as yet unattached criminally, is ruthlessly dumped into the discard. The other, criminal rounder, is "protected" while making his rounds, until it was the facing of him and those of his kidney to the electric chair, or local law and order become a national joke; which goes to show how hard it is to stop the predatory parasite, once lax execution of law establishes him.

"Dopey Benny" Fein's recorded criminal career reflects but a fraction of his anti-social flings, parallel with those of thousands of criminals who cling to capital cities. Square that record with conclusions reached in our writings. Have in mind that Fein's confessions concerning his culminating activities involved in serious crime, either as principals or accessories, nearly a hundred gangsters and members of labor unions. Then say if gentry who take to the bludgeon and bullet as a bird to bug can be trusted to influence the official acts of agents of the law? Particularly, say if prison regimes are rightly ordered which toady to sporting instincts that run to thuggism, indulge hankering after low-down amusement, aggravate result-killing mania for change and variety, and favor fulsomely the collective machinations of recidivistic felons, to the end that they may drift as drones on a prison tide that flows to the deep sea of criminal intent?

In part, Fein's record:

August 14, 1900: Convicted of petit larceny.

Sentenced to the House of Refuge, Randall's Island. Prior to that date arrested twice, charged with stealing pocketbooks. Discharged both times, dates and reasons for discharges not appearing in the records.

October 22, 1905: Assault and robbery. Held in \$2,000 bail. Discharged on recommendation of the District Attorney. Observe the bail, for "assault and robbery."

May 3, 1906: Arrested for grand larceny and sent to the New York State Reformatory by a judge who got illuminating light when the "talent" scooped his own silver. Record bad. Served but eighteen months.

May 18, 1908: Arrested for jostling and fined \$3. Pocket-picking attempt, no doubt. Note the fine in the face of Fein's former record.

June, 1908: Arrested for assaulting a policeman. Convicted in Special Sessions and placed on probation. If he could "jostle" for \$3 in May, why not take a whack at a policeman in June, and leave the rest up to the court?

August 6, 1908: Convicted of burglary and sentenced to three years and six months in Sing Sing. Sentence for Fein at this stage of his career should have been none other than indeterminate for an habitual criminal.

May 23, 1912: Charged with grand larceny and discharged on recommendation of the District Attorney.

June 20, 1913: Arrested for interfering with an officer. Flippant manifestation of contempt for the badge of authority. Sentence suspended.

August 9, 1913: Arrested on a charge of felonious assault. Tried and convicted. Conviction reversed by the Appellate Division.

September 16, 1913: Arrested for carrying a loaded revolver. Held in \$5,000 bail. Indicted but never tried.

October 7, 1913: Arrested in connection with the police investigation of the shooting of William Lustig. Discharged by a magistrate.

December, 1914: Arrested in connection with the shooting of Frederick Straus. Discharged by the Coroner. And then, "the deluge," of course.

Nature having cut Fein pronouncedly on the bias, and society having primed him, up through his boyhood and young manhood, to express the cutting, it is probable that reformation was not possible for the adult Fein. Be that as it may, the last reformatory chance was lost to him in the fast-and-loose game agents of the law played with him immediately after his discharge from Sing Sing.

Whether or no the after-prison life of Fein is charged with inexplicable immunity from prescriptions of the penal code, his record amounts to a bald bid on the part of society for nearly every successive step in crime he took. And clinch the fact that Fein's case is exceptional only as to law-

lessness born of an uncommon depravity. The kind is more common to capital cities than are canary birds.

The crucial consideration is this: Fein could have transferred his activities and, in the event of his arrest, he could have "covered" for sentence to a first-offense reform institution. Hence reformatories the country over house at least a minimum of habitual criminals; they also confine hundreds of lads who should have been given the benefit of probation, if anybody should, while required to make restitution in the natural way. Such muddling makes the sentence contemptible in the minds of the sentenced, upheaves institutions through transfers made from one to the other to restore disrupted balances, sums up in waste for transportation and associated charges, places the one man where compensation for what he loses is impossible, the other where he can do the most harm; and initiates the former and confirms the latter into permanent criminous selection, thereby violating both preventive and deterrent measures for the protection of society.

Magistrates must commit errors of sentence if criminal records are closed to them. A judge might be morally certain of criminal earmarks, and find no justification in law for an intuitive sentence; yet a sentence for crime can not cover unless it takes cognizance of the backward trail of the sentenced. Failing in that makes the sentence one of the weak-



est links in the American chain of criminal jurisprudence.

Therefore, there should be established a national clearing house of criminal identification. Through no other than such comprehensive means, executed with military thoroughness, can the criminal be searched out who is singularly motivated at once to change base, and to defeat local methods of identification, often crude in inexperienced hands.

Scientific commitment of felons demands that committing magistrates shall have recourse to their completely-recorded criminal careers, else judges may not fit the law to the man, nor the man to the institution; moreover, obligation to sentence wisely would act as a check on the reading of penal law beyond its last hint of warrant.

Then, in an institution for adult first-offenders one might not expect to interview two prisoners sentenced at the same time by the same judge, one of whom is an habitual under cover who hugs himself for having "put it over on the judge"; the other, a non-criminal first-offender who nurses an ugly grouch against the judge in particular and society in general because both "put it over on him without giving him a fair chance to square himself." Cases of the latter kind frequently issue out of sexual acts to which not an iota of criminal intent can be attached. They are pitifully mismanaged. Par-

ents who allow their girls to head for red lights have no call to embitter the lives of young men who are challenged crassly to express the last impulse over which mature man gains dominion.

Arraignment galore has been made of imposition of sentence on felonious offenders, but such strictures have failed to arrest public attention because they have been general in terms; whereas one can not shunt specific kernels fed into the prison paper, *Star of Hope*, by Cons. No. 57,355 of Sing Sing. Under the caption, "Some Inequalities in the Criminal Law," the editor, understood to be an ex-lawyer, puts it substantially as given in the following summary, based on his dig into the prison records:

(1) A banker who stole \$150,000 received a sentence of one year. "An unfortunate with no political backing forged a check for \$38 and got twelve years."

(2) "A lawyer deliberately robbed a widow and orphans of \$35,000 and was sentenced for one year." A chauffeur took his employer's automobile out for a "joy ride," and got a year and six months. Details of the "ride" governing the sentence were deleted, but they would scarcely remove all of the odium of contrast.

(3) A man with twelve previous convictions for felonious crime received a sentence of one year and

eight months. About the same time, three men who *had never before been convicted of crime* were convicted of burglary in the third degree and got from two and one-half to five years.

(4) As to twenty *first* offenders and twenty-seven *third* offenders, all committed for burglary, the investigator found that the average sentence for the third offenders was two months shorter than for the men who had previously committed misdemeanors, but who had not been convicted of felony.

(5) One judge sentenced six prisoners for first-degree larceny. To four he gave sentences of two years and six months, to another two years, and to another three years and six months. Another judge who sentenced six men for the same offense gave five a sentence of five years, and one a sentence of two years and six months, an average of four years and seven months. In relation thereto, Cons. No. 57,355 asks: "Can it be possible that five-sixths of the offenders who appeared before one judge for this offense were twice as guilty as five-sixths of those who appeared before the other judge?"

(6) Ninety men, all first offenders, and all committed for robbery first degree, were sent to Sing Sing by nineteen judges. Seven judges sentenced fifty-six of the ninety prisoners. One of the judges gave the lowest average sentence of four years, eight months and ten days. Another judge gave the highest average sentence of nine years. The other judges

gave varying sentences ranging between the extremes given.

The critic further comments: "There is no way at present in this State (New York) of correcting a sentence when it is unjust and inequitable by reason of its extreme severity, except by appeal to executive clemency. In a civil case the Appellate Court will reduce an excessive verdict; it never reduces an excessive sentence. Our judges are autocrats, except within very wide limits, in determining what time the convicted man may spend in prison. They generally err, and the result of their errors is injustice that blocks, as nothing else could, the wheels of prison reform, and makes demons of some who have in them the stuff of which good citizens are made."

Two main reasons tell why whole-swallowing of indictment by convicted felons of legal machinery does not promote full digestion of the truth: (1) The criminal is commonly a self-seeking egoist who sees with a single and criminal eye. (2) Cardinal facts which frequently decide judges for or against clemency are not written into commitment papers, and they should not be so long as prisoner book-keepers are allowed to diffuse the free-life records of prisoners among fellow prisoners. But the private file of the warden should contain every capital circumstance that bears upon either clemency or severity of a sentence. When such inside informa-

tion can be used only to strengthen the reformative grasp of legalized agents, judges will no doubt give it.

While no prisoner should have access even to the prison records of prisoners, serious objection is wanting to Cons. No. 57,355's brief; albeit the censor slips cogs where he fails to parallel criminals and their crimes, and leaves one with the suspicion that the "lawyer" could not resist temptation to conceal such as the probable fact that his \$38 forgerer was an habitual criminal clamped to a crooked pen. Discount by so much and apparently there is no defense of a one-year sentence for a \$150,000 thief. The same sentence for one who dispossessed "a widow and orphans" was scandalous perversion of law of the particular kind that motives criminals and sends them sneeringly on their way; but the writer happens to know that the thieving was not done "deliberately."

Anyway, there are legal, ethical, and reformative reasons, sound ones, why a court of review should give no greater heed in law to the decision of a lower criminal court than to the edict of a lower civic court. It is most important to correct injustice, concerning which a careful study of the data given fixes the impression that the swing of the pendulum of sentence was subject to influences foreign to the question of equity.

Scores of cases canvassed by the writer during

his three decades of correctional service attest the truth of Cons. No. 57,355's closing count. Beyond dispute, much of legal disposition alike of the instinctive and of the circumstantial felon, markedly confirms the one in, and overwhelms the other into, a life of crime. That is one of the far-reaching tributes levied upon society by latitude which allows judges to run amuck with singular ideas of social solidarity, and so defeat prevention here through the exercise of undue severity, and arrest deterrence there by false clemency. The victim of the one may take on initial criminous intent when he compares notes with the beneficiary of the other. Charged as he is with responsibility to read law framed to serve equal justice, it is clearly the duty of a judge to avoid deadlines of disposition. Judges would not take first false steps if they would but realize that the common mind, expressed in criminal law, to a common end, is more safe for common guidance than an uncommon ego given over to uncommon expression.

On the other hand, the dead level usually denotes stagnation. Since change is the order of the universe, inelastic law would not fit. Yet far better would it be for all concerned if it should be made mandatory upon judges to pass sentence in accordance with legal prescriptions fitted to each degree of felonious crime, than that social progress should be held up from motives such as seem to be so plainly

readable in the summary struck off by No. 57,355.

While the trader does not confine to petty courts his shifts for the social flotsam and jetsam, the huckstering judge is a comparatively negligible quantity.

The plague of equity by edict is the super-sentimental agitator first, and judge afterwards, who is struck with social astigmatism. Him inscrutable Nature fits with mental lenses which preclude his clear sociologic vision, save over transverse lines whose focal point centers on the universally accepted fact that it is a pity the criminal is. For the rest, look for him to draw to and from reformatory conclusions which cross-match plain horse sense piled out of the cumulative experience of mankind. Hence his misuse of the suspended sentence, and of probation, and hence, appreciably, the habitual criminal rounder who "hugs himself for having put it over on the judge," and who would further play 'possum with the puseyistic advertiser within prison walls, for whom it is a dull day when his name does not appear in print.

It is germane to add that genuine criminologists are not given to the "newspaper habit." Men who engage wholly for criminals in accordance with their nature and needs have no time to truck with the press agent. "Self-praise stinks," not only; penologically speaking, it is the measure of a man who rushes to type with tinsel. The tragedy of it con-

sists in the fact that the public will not trouble to try to read the man in the type.

Second in the irrational running is the coldly aloof, painfully just judge who is legally hidebound. He must know that much of first-offense crime is due primarily to open houses of temptation at which society sneezes; and secondarily to the vilest of sporting houses and crookedest of gaming houses which society won't close and keep closed, together with the lamest of laws which society frames. It matters not. Neither does it count that judicious elasticity presupposes execution of law in accordance with material conditions, human intentions, and human limitations. Nor will he consider that he would be "reversed" forever after rather than that his own last lapse should be spread upon a "movie" screen. Ignoring all, he will crank his official dignity and serve the limit to a first-offending lad whose heart then and there bleeds with remorse over an act foreign to his better nature. So, judges whom the ermine but drapes can and do "make demons of young men in whom is the stuff of which good citizens are made."

On whomever responsibility rests for present sport-charged, patch-quilt prison methods, judges who have subscribed to those methods perforce of their official acts may not escape the final reckoning. The reckoning will ensue closely upon the clean-up following the World War. With prices,



the unskilled ex-felon will then be forced to his normal level. The varied exactions of closely-drawn industry will then classify and crowd him out, just as closely-drawn industry has done always, and always must; for human progress does not halt for the ill-equipped, however well-intentioned they may be.

Then, public opinion, awakened if through no other agency than a thinning purse, will want to know why judges who presumably were immersed in penal law, the which is as the right arm of applied penology, allowed themselves to be gulled by not so much as a specious veneer of penological experience, knowledge, or foresight. Prisonward again will then tread a host of prison-pampered, industry-cheated ex-prisoners, amelioration of whose plight society had trusted to blindly-egoistic diletantism. Come that time, society, society-like, will meanly shift the blame from its own to the shoulders of a few, whose fallacies of reform it was society's duty at all times to countercheck.

In the chapter herein on Prison Methods we shall enlarge upon the near imbecility of measures that serve by and large to establish the criminal, while they breed contempt in him at bottom for the measures. Example: "Ten years?" recently echoed a young Apache when sentenced by Justice George McCann of the Supreme Court of the State of New York for manslaughter, the which many judged to

have been brutal murder. "Huh! I could do ten years standin' on me head!"

A society-indulged homicide would not have snapped that snarl into the very face of the law, had his sentence read to a federal prison instead of to a prison in which he figured to wear a boiled shirt and browse; yet Uncle Sam's houses of correction are fast assuming the lead in measures of reform that are sane while humanitarian.

Society itself is responsible for the amount and kind of law it attempts to enforce. During the last half decade the State Legislatures have added approximately seventy-five thousand statutory laws to hundreds of thousands of laws in force. The corollary that a mass of written matter requiring something like sixty-five thousand reams of legal cap must further complicate complexities cannot be escaped; nor can it be gainsaid that such wholesale attempts at legislating social solidarity engender delay and chicanery all along the legal line, while they tend rather to arrest than to develop individual sense of social obligation. That is a sense the average man will have acquired out of the sum of his environment and bringing up through the plastic years, with the emphasis on the guarded word and act in the home circle. Thereafter the appeal is to settled habit, and settled habit bends grudgingly to opposed exactions of artificial law.

As to kind, take a capital case in point: Just

at the time when "terrorism" was the secretly-ordained policy of certain of the leaders of certain branches of organized labor; when arson, riot entailing wholesale destruction of property, and violence against the person capped by brutally-planned murder by the bomb, issued freely the country over in pursuance of that policy, just then supreme legal sanction was given the "picket line."

Being potentially the foster brother of riot but a half-step removed from anarchy; and being a brazen bid for various forms of duress that menace social stability, the picket line was the last club which should have been placed in the hands of any class of citizens. Given over to the alien mob, the picket line is the gravest menace that carries the ukase of constitutional law. Out of its very nature it leads to law-breaking.

Inviolability of the person of a law-abiding citizen is the enacting text of the Constitution. When the basic power back of any form of government does not make short shift of such as human brutes who dig their heels into the faces of fellow workmen because the latter would make an honest living where and how they choose, it carries of majesty no more than does the flouted function; and of service that comparable with the atrophying muscle.

It is rankest legal burlesque that leaves unscathed the instigators of picket line brutalities which amount to the most ominous of social crimes, and

visits but nominal fines, paid out of union funds, upon a few scapegoat perpetrators. It is also vital that the foreign-born, to thousands of whom force is a natural weapon, are egged on to acts of violence by native-born thugs whom murder does not feaze, while they get expressed exactly that for which they curse "capitalism."

It is acutely up to the incoming administration to give it out, unequivocally, that government by the ruling few with the likes of the bludgeon shall not take root on American soil.

Under constantly changing conditions internationally interactive, much of legal lore will take on added elasticity. Human progress may or may not exactly parallel the more incidental articles written even into organic law. But since certain of human attributes and predilections do not keep pace with changing codes and conditions, they must be made to square with the plummet of unchanging constitutional law, else the instrument yields of its essence, and a people of their distinctively autonomous character. Hence the vital menace contained in the fact that the wage-earner who would work in America under conditions satisfactory to himself, runs about an even chance of "getting his face kicked in."

Just so much of anarchism fetters freedom and links to endless reprisal, not to mention by-products pregnant in manifestations which make for the crim-

inal, and for social chaos, as witness the following excerpts from the confession of gangster William Reiger before a grand jury of the County of New York:

"I was a *manager of prize fights* when they picked me up. Abe Salkin, who was a genuine furrier and chairman of the picket committee, hired me. He took me into a picket's room, a secret room in Astoria Hall that had a guard on the door so nobody could come in but pickets. Mangulies, another boss of the union (furriers) told us we could beat up anybody when policemen were around because the police were taken care of. Anyhow, *I was never arrested in all my strong-arm work*. The usual way was for one of us to stand in front of the union headquarters. Then we would get a wave of the arm upstairs. We got the man, knocked him down, *kicked him in the face if we could*, and left him where he fell. I beat up six men, myself, right in front of union headquarters.

"A Greek came down, and a union official, who walked with him, raised his hand. That was the signal for us, and I laid on the finishing touches till they had to carry him away. The man who walked with the Greek is *the man who goes to court and pays the fine every time a union man is found guilty of anything and sentenced to pay a fine*.

"Before I started to beat up the Greek I saw a union official walk over to a policeman and I saw

the policeman walk around the corner till after the work was done. *We left the man bleeding at the ears and mouth.* The boss's secretary, Weisberger, said: 'All right, Billie, that was good work.'

"I walked in front of Krantz and smashed him on the jaw, *knocking out a couple of teeth.* Then I hit him again and blacked his eye. Weisberger, the secretary, was there, and ran after him with other strikers. Mangulies, the boss of the pickets, said to the other strong-arm men, 'Billie (meaning me) give it to him, but I want you fellows to give him more so that he won't be able to work.'"

Reiger's testimony dovetailed into that of many other "starkers," one of whom confessed: "A policeman who left the force for that special purpose handled the money as a go-between for the gangsters. They were told, when sent out to beat up people, they must always look to see that the ex-policeman was around, and that if he was to be seen it meant that the coast was clear and that no policeman would respond to the victim's cries for help, no matter how brutally the thugs might handle him. Men were beaten into insensibility in crowded streets while bystanders cried in vain for the police to come." (*New York Times.*)

As if that were not ominous enough, read of con-sanguine manifestations, of which not a major city of the United States is entirely free:

December 18th, 1915, Mayor William Hale

Thompson began the clean-up of the police department of Chicago, concerning which the Mayor said: "I know the police department is absolutely rotten. It is honey-combed with grafters. I know criminals, hold-up men, murderers, pickpockets, and thieves of all description known to the police are walking the streets every day and are not arrested. This is a terrible thing to say, but I would not be surprised to learn that in the department are men who have planned murders."

Whether or no any of the police of Chicago "planned" murders, battalions of them were reduced later to the use of repeating rifles to stop murderers.

Later on, Mayor Thompson asked Chief of Police Healy for a bodyguard because of threats upon his life, made presumably in attempt to arrest his activities in the campaign for the coming aldermanic primaries. One suspects that the menace ostensibly aimed at the Mayor politically was a blind to cover terrorism by laborites, acting in conjunction with certain members of a police department "honey-combed with grafters," who are appreciably responsible at bottom for conditions like this:

Across the street from the West Thirtieth Street Police Station in New York City stands a twelve-story loft building tenanted by fourteen manufacturers of dress goods. At last accounts there were only three of those tenants who had not complained

to the police about robberies. One loft had been robbed four times, others had suffered three losses. Patrolmen in uniform pass in Thirtieth Street all night. One of these robberies was a \$3,000 haul of silks, lowered per elevator from an upper loft. Apparently the same set of burglars had been robbing the building for two years. They knew where the electric switches were and turned the lights on brazenly.

Said one of the victims: "What is the use of complaining to the police? On several occasions my firm found it necessary to send out goods late at night so as to make connections with European steamers. Trucks took away the goods, a dozen patrolmen passed, yet though I stood near the street entrance not one ever stopped me. The police don't appear to *want* to see what is going on."

Put the finishing touch to the tale in the manner in which occasionally-apprehended midnight marauders are encouraged to play upon the oblique sympathies of maudlin meddlers, to the end that reform atmosphere shall be redolent of that of the cigarette-soaked, gutter-snipe, gambling-charged poolroom,—then answer; and then garnish the answer with procedure like that at a recent Brooklyn, N. Y., trial, involving a violation of infantile paralysis regulations:

Two well-known medical men of the *city health department* testified as to the guilt of the defendant,



whom the presiding judge discharged on the ground of the doubtful qualifications of the physicians. "You asked the doctors if they were doctors," said the magistrate to the prosecutor, "and they said they were. That is all I know about them. There are many varieties of doctors." There are, and the "alienists" among them who will line their purses on either side of a hypothetical question, bank on the legal meanderings of judges afflicted with microscopic asininity. So do reformers who image all of reformation as dead and cold which does not function as with the reverse wheels of their minds.

State the above case to a bootblack, and he will bite it off quickly in the vernacular of the curb that the crux of the question had to do severely with violation of municipal law, and with the vindication of diplomas only in the matter of emphasis. Being intelligent, he would, could one imagine him presiding, further sit to hear clearly-established medical authority before closing a case leading to and from the door of death.

Hair-splitting pettifoggery should have been banished long ago from our primary courts. When employed by trial judges to achieve triumph over mandates basic to the commonweal, it stretches to the limit the patience of a people long-ridden by thinly-spun legal verbiage. It also emboldens the glow-worm of reform to insist upon the all-embracing radiance of his wee bit of a flash.

The people of the State of New York, represented in joint committee of the State Bar Association of the Chamber of Commerce of the City of New York, are about to close formulation of a set of "simple rules," one aim of which will be to "establish a Board of Arbitration to which the parties in a business controversy would consent to submit their grievances with the understanding that they would abide by the decision."

That will be an excellent beginning provided that, in conformity with the English referee system, the party which shall refuse such arbitration and then fail to establish claim under further process of law shall stand charged with his opponent's costs. It is assumed the conclusions of the committee will carry recommendations for that mandatory imposition; and in that faulty, spineless law makes for feverish business, feverish business for idleness, and idleness for crime, it is further assumed that the committee contemplate secondary agitation for common-sense wording and enforcement of criminal law up through its gamut. Otherwise, the odds will remain nearly prohibitive against the apprehension, the conviction, and other than the "fake" reformation of the predal felon.

The law being the same, while temptation to pilfer from the government is aggravated by many singular factors, the result tells indubitably that the rampant criminal in America is due largely to

the difference in the manner in which the law is enforced, in and out of prison, by Uncle Sam on the one hand, and on the other hand by the States and localities. The government gets the larger result because both as to the wording and execution of criminal law, it follows the line of cleavage indicated by William P. Borland of the State Bar Committee, who puts it substantially in this:

"It is noted that seventy-five per cent of the litigation relating to wills concerns the meaning and legal effect of the instrument. This is largely a question of construction. In my judgment a very large amount of this litigation is preventable. In fact, it (construction) is the vital reform on this subject. Only certain clear-cut and definite estates should be permitted to be created by will, and the intention of the testator should be drawn from the legal effect of his language rather than from the accidental choice of words." Obviously, that idea should be serviceable throughout the legal divisions; and so, concretely as to twistable language which is insinuated into, and conflicts which ensue upon, ambiguously-worded law in general, paraphrase Mr. Borland's contention and make it read: "The intention of the instrument should be drawn from the legal effect of its language, rather than from the choice of words, 'accidental,' or otherwise, contained in the instrument."

Beyond that, and before a bill either state or

national in scope is submitted for final reading in the house of its birth, pass it through the hands of the Attorney General having jurisdiction for amendment which shall leave it consonant with Constitutional diction. Still further pass up per the Attorney General to the Supreme Court of the United States questions of individual and collective rights included within the proposed legislation, which that court only can interpret finally.

Objections against such procedure will not be wanting. Among other things, it will be alleged that it would mark a revolutionary change which would unduly affect the functions and boundaries of efforts of Attorneys General and Justices of the Supreme Court; hold up much-needed legislation; make the operation of legal machinery cumbersome; mix the legal broth; and impose onerous duties on public servants.

The sufficient categorical answer is:

(1) Nothing short of like revolutionary changes will meet exactions which call for adjustment without cavil beyond much of legal custom and boundary; custom and boundary largely arbitrary and by no means in accord with the country's present needs.

(2) Be it never so "much-needed," legislation does not legislate until it stands firmly in its legal shoes. The mass of the other kind would be killed a-borning, or, having been put through in the teeth

of its declared spuriousness, the public would thereby get a stranglehold on those responsible for it.

(3) Since the method of approach to the Supreme Court would be cleared of successive holdups; and since the duties imposed upon public servants would be continually lessening in the interests of fewer, clear-cut statutes, the last three counts do not weigh, as against the end to be served.

(4) Prevention of the kind of law that makes for crime is the logical first step in the prevention of crime.

(5) There is no good reason why the legal machinery of the state and nation should not co-operate, nor why any part of it should be clogged by doubtfully-worded legislation. Furthermore, that man is unfit to help direct the legal life of a people arrived at a vital transitional stage of development who does not elect to yield somewhat of all but conviction to do it. And even conviction may be fully sane against a given form of human expression and fail to hold the individual wholly safe from lapse which takes on that form. Hence the hand of avarice still lies heavily on the progeny of those who knelt nearly twenty centuries ago at Christian altars; and hence much of human grind goes on in response to the spur of various kinds and degrees of covetousness originally proscribed in stone-struck precepts.

The scramble to wield unmoral money power ap-

proaches closest to mania in freest America just because intrinsic individual expression is held there under the least of any kind of restraint. It follows naturally that the trend is to legislate indefensible inequities. Thus is established the primary sequence by which America comes into the bulk of her "high-brow" moral criminals; and secondarily by legions of felons of the "low-brow" grade, who, forced repeatedly to the economic wall, throw up the sponge in discouraged disgust and fall back instinctively upon the caveman's working tools. Many will pooh-pooh the latter lead; many who can not feel resentment with the crowded-out derelict who plugs for pennies while he listens to the pur of a "Packard Six."

The types of men named are analogous in so far as they yield to atavistic pressure. The one, the more finished, legalized social bandit, harks back to the toll-taking lord of the baronial keep; the other, the anti-social by-product of unsocial circumstance, commonly images the prowling, self-justifying poacher of the middle ages, whom keeper, gun and dogs could not clear of the closed preserve.

A country may be free of current responsibility for certain of its morbid victims of hereditary transmission, the which frequently strikes through unto the fifth generation. Your neurotic, erratic erotic, for example, will issue under the best possible form and function of government. The Master Mind has

yet to yield into the hands of man the master key to the process-of-elimination puzzle. But it is not so as to the two types of men under consideration; two types that have always ridden the tiring nation to its last gasp. In America they are products in part of a very positive parental bias which anchors lads and lassies to the belief that money-getting, rather than character-building, is the desideratum of life.

The latter idea looms large in a review in *Everybody's* November, 1916, number, by Richard Le Gallienne, himself an American by adoption, who cuts to the bone of our national nicks and needs. Under the caption "What is an American?" Mr. LeGallienne relates how "a lady friend interested in the future of the American ideal" took it upon herself to gather first-hand information thereof. She questioned "some *thousands* of boys" homeward bound from public schools, and found "the prevalent idea in these young minds was that an American was one who made much money and made it fast."

Mr. Le Gallienne submits that "these schoolboys did not, of course, evolve this idea of themselves. They must have caught it from their elders, and it would seem, too, that their school training must have been deficient in the inculcation of a noble nationalism which should go along with religion, as one of the first principles of the national education."

Absolutely! But we turned such as the Twenty-

third Psalm out of the public schools decades ago in order to lift alleged imposition from offended sects. Whether that procedure was wise or otherwise from the standpoint of fundamental Americanism is a question which was at least too lightly brushed aside by an unthinking, if generous, majority; but the act of yielding the highest of moral instruction without substituting synthetic indoctrination of kind was palpably beyond defense, since all children belong to God.

That stupid error accounts in marked measure for the average American-born lad of Protestant parentage stript in the same measure of reverence for reverential things, inclusive of Nature's laws and the laws of his land. Also, it tells largely why he is so prone to arrange material values in the reverse of their intrinsic order; and why so impatient of all of authority which would correct that alignment.

Specifically considered, it is worse than Mr. Le Gallienne has it. The average American lad need not be helped to the "money-mania," nor to the banalities accruing therefrom; he can and does just naturally absorb both as he goes wherever he goes on American soil. He furthermore can and does just naturally absorb how best to be a wastrel of money and of potentiality to make good use of himself and of money's equivalents. All of it he is doing, mark you, during the plastic schooldays;



during the most impressionable of days when he needs no urging along the wrong pike, nor to build the untoward influence into the bone he is making.

What the native American lad of American parentage does, few of his otherwise-classified companions will leave wholly undone. Hence a cardinal reason for the enactment of so much of law in America to compel. Having swept the master form of moral instruction from the public schools at the psychological moment when it was most needed to amalgamate a one-mass morale and to cohes a truly national spirit, and having failed to substitute a tangible form of moral instruction in the stead of that surrendered, we have reduced perforce in increasingly baneful measure to the application of punitive law; the which can no more round out the moral life of a nation, than can laying on of the birch establish moral sense in the mind of a too-closely in-bred, untaught, sexually-perverse youth.

Surely, the progeny of those who nobly inhibited an inherent dash of narrow-gauge bigotry to further freedom of worship in America should not be utterly deprived of spiritual manna in the crucial place at the crucial formative period of their lives. Should they, they should not at the behest of any sect that declines unequivocal kneading of the national dough in non-sectarian public schools, in favor of the kneading of a school of sect wherein

the emphasis is given to spiritual propaganda, duty and authority.

Whether it is so meant or not, the latter policy fastens the collar of creed on patriotism; whereas the effect of free commingling of children of all faiths in and about the public schools serves to file off the rough edges of bigotry, and to foster a common unit of patriotism, upon which the permanency of American institutions must rest.

More often than not assertion trims truth. The burden of proof is rightly upon the accusative form. But overdress is not risked in the statement that we have yielded pretty nearly all we dare of Constitutional ground and not slough a balanced democracy for no man wots what.

At deadly peril to a national destiny dreamed by the constitutional fathers, shall we draw out parley with disintegrating forces which are ruthlessly militant while blindly self-centered. Without regard for names, mass or class, we needs must go about it directly to reestablish the just might of the law in America, or soon enough have a full-sized Roman job on our hands.

Class banditry and a cohesed nationalism, donative tossing to terrorism and a sustained national virility, are antithetic. A people which suffers that combination to take firm root can not endure and express a worth-while national purpose, let them

stand ostensibly for what they may while preaching platitudes.

Take an illustrative case: A group of disgruntled car employees moved on the Supreme Court of the United States a short time since with the slogan in substance, "We want what we want when we want it"; and that in lieu of a favorable decision thereof by that august tribunal it would be,—*"Lay on, Mac-Duff, and damned be he who first cries,—enough!"* As often befalls the lines of the Immortal Bard, their puissantly vocal spokesman deleted the word "hold"; inadvertently, no doubt, because men big enough to declare broncho-busting labor war on a first class power should know, at least, the order of their adversary's going.

In any case, all will do well to let it sink in that their spurned Uncle Sam is right sure to cry the "Hold!" And that when the Big Fellow isn't big enough to spank incipient anarchists who would maul his guidons, he will have reduced to a passing experiment, and they to the straight of the greed-struck gent who "killed the goose that laid the golden eggs." If by the merest of possibilities it comes to a breaking of the waters, they will be driven to higher ground who think themselves sufficiently entrenched to hold in contempt the tidal wave of Constitutional law. Also, they will have drawn their own sting through forcing the issue for government ownership and control wherever that may be neces-

sary to lend stability to the progress of a people who pursue equal justice steadfastly, albeit they fly off betimes on countervailing tangents.

In any case, let us not be prodded into attempt at disciplining catch-as-catch-can brigandage beyond borders, while a pedestrian-packed, police-patrolled, sun-lit city thoroughfare serves the thief-murderer in the U. S. A. And let us assure our safety with soldier men, until the subsidence of "unrest which man miscalls delight."

Summarizing a cosmic and cardinal ill, it must be admitted that had capital kept step with conscience, labor had not taken to the lasso and branding iron; but even at that in America, where the franchise is practically universal, and opportunity nearly unrestricted, there is no palliation of the open-eyed, cold-blooded law-breaker. For him, law that is other than effective because binding is mostly meaningless words.

Still and all, many hold human nature to be in the average what it perhaps may be a thousand years hence, and that, in any instance, "Repression doesn't repress." If it didn't, the life of a Canadian Border Policeman would have been held valueless while he was making himself master of many times more of lawless domain than had any man anywhere before his advent. That he did, because the Canadian government made his person inviolable, and him inevitable.

In his 1915 inaugural address Governor-elect Charles S. Whitman, of the State of New York, crowded the case against lawlessness and the law-breaker into this masterful paragraph:

**"The Increase of Crime.**

"A subject deserving the most thoughtful attention of the people of the State and of the Legislature is the increase of crime and of the spirit of lawlessness. Indeed, disregard of the law, impatience with legal and moral restraints, contempt for the judicial and executive ministers of justice are phenomena observable in all American communities and among all classes. No material prosperity, no abounding wealth, no progress in the sciences can save us from moral decadence and ultimate decay if this spirit of lawlessness and of contempt for legal authority shall continue. The growing impatience of restraint, moral and legal, to be observed everywhere in America, the indifference, sordidness, and complacency of many of the educated and well-to-do, the unchecked and unregulated propaganda of those things calculated to prejudice and poison the minds of the ignorant and undermine confidence in our institutions, the public opinion that tolerates lawlessness, whether it be the lynching of a negro, or the murder of the obscure, or the violence attending nearly all disputes between labor and capital, will *inevitably engender a fatal malady unless the*

*quickened conscience of the American people shall call a halt.* No class can be above general law. There is but one way of meeting the danger, and that way is through the creation of a dominant and pervading public sentiment in support of the enforcement of the law. Where that sentiment is wanting, no devices of the law can make up for it."

Americans may take or leave ex-Governor Whitman's forecast; but duty is unshiftable which summons them to be at extreme pains to crown capital sentiments in the minds of their children. When parents shall have done that vital much, their up-grown lads and lassies will have been given a fair chance to figure it out for themselves that somewhat of self-effacement in obedience to the law of their land is the "strictly-one-price" mark of a pure democracy.

#### CHAPTER IV

### REFORMATIVE RÉGIMES

In America, during the last three decades, the crime-impelled have been tossed between opposed factions of prison management. Members of the one faction have fitted word and deed as if to the deduction that there is naught in the criminal to give society serious pause. Let a layman into the mind of one of these while making the grand rounds of a prison with him, and it will not be the fault of the guide if the guided refuses the impression that the regeneration of the criminal resides mainly in the potency of the personal touch, manifest, essentially, in the sporting schedule of the place.

Nor will it signify if the ground gone over is reformatory ground whereon trade training from outline is enhanced at drawing school; common schooling is fitted to the individual case; military training with body building exercises in the open is a part of the daily regimen; periods for play afford more of outdoor recreation than the average free-man can or will take; and indoor entertainment is given ungrudgingly. The place must yield of all and

capitalize the going craze for the brutalizing by-products of sport, else it is bad medicine.

Members of the other faction hold the kind and amount of crime committed within continental boundaries to be indicative of the course the nation is steering. They countercharge their critics with triple bidding for crime; first, in having swayed public opinion into taking the constantly mounting figures thereof lightly for granted; secondly, in that they have deleted to the vanishing point from natural correctional measures which steady young men whether they are within or without prison confines, and which criminal law presupposes in the sentence; and, thirdly, for having switched the emphasis from those measures to parasital activities which so often ride a lad in free life to the length of determining his first criminal act, and which should be given greater than auxiliary weight in prison only when applied to those whom to build up physically constitutes the first reform step.

As between the major schools of reform there are other sharply-defined points of departure, none of which is more vital than what qualities of mind and heart, what preparation in amount and kind, should mark the head man entrusted with the singularly complex task of prescribing for the outfitting of crime-driven men who must meet life face to face; for it will not serve shall we but supply a given prisoner with related working tools; besides, we



have to lead him to a liking for the tools and for their lawful use.

Angles of contention converge on the correct answer to this concrete proposition: Judged from either the repressive or the remedial standpoint, should a prison, walled or not, be made an industrial and educational beehive equipped to meet the exactions of the majority, who probably would not have committed crime had they not been industrially outclassed and educationally handicapped: or should it pass in the minds of criminals as a place where inmate ranks officer; exaction gives place to caprice; system is shot to pieces; little of loosely-strewn education and training yields to low-down by-play; mock-discipline is yet honeycombed with subterranean trickery visited upon weaklings by members of a junta of felons who engineer for the machinations of their pals; and where the "atmosphere," far from being a voluntarily reformative atmosphere, as upon which your inmate guide will glowingly insist, is charged with moral filth, plus what the criminal calls "bunk," soon enough to take on menace, do you but crib from his falsely-allotted perquisites.

Gentlemen who subscribe to prison methods which work out agreeably with the latter summary have put it freely in print that those who refuse those methods reduce to the use of such as the word "coddle" as expressive of the ground of their refusal.

Very far from it indeed; albeit that contention has carried in the public mind precisely because exploiters of the merry-go-round idea of prison reform have done at least ninety-nine per cent of public writing, and all of public boasting about any kind of prison reform.

Yielding the forum of public opinion, they have themselves to blame and have passed up plain duty, who have been schooled while paid to sense with sense where criminals compound. To be sure, buttering of bread befalls heavily betimes; but so does life's grand average upon the habitual offender who is part product of prisons wherein he was allowed to vegetate and fake.

As a matter of fact, the worst that could be said of obsolete prison methods, falsely played up to the public by way of contrast, was at least printable; whereas it wouldn't enrich the rising generation to read to the roots of certain acts, of certain actors, of certain prison "Welfare Leagues." And so, since the Welfare League reflects the last word of those who assume distinctively far-sighted prison vision, as well as to fit the public eye with glasses likewise distinctive, vide, at once, the Welfare League:

There is nothing new nor startling about the fundamental principle, acting from which members of Welfare Leagues ostensibly express themselves. Prison reform had not to wait upon specifications of present-day reformers for supervision over in-

mate by inmate. That was being tried out in America when most of those who now hail it a wonder-worker were in knickerbockers.

Back in the '80's, the writer, then Acting Superintendent of the State Industrial School, situated at Rochester, N. Y., was giving inmate cooperation the fairest field and favor beyond the lettering of institutional rules, and the implications in law which those rules were written to complement. We got good results through going about it in a sane way, and we have never let go since for an instant of the conviction that a properly-chosen, organized, directed and supervised inmate staff is a positive asset. Contrariwise, we have not since seen, nor heard, nor read a thing on which to base rational belief that a close corporation of criminals can be made single in its reformative purpose, nor that the State can rest secure at any given moment that such a corporation shall not be made to serve ulterior designs. For the present saturnalia of crime, those have largely to answer who have disagreed.

Practical criminologists the country over prosecute methods essentially the same as those which Welfare workers allege they prosecute, save only as pertains to this, vital, point: Whereas those workers wield plenary power greater than granted to citizen officers, in the which they are subject only to the veto of a man who may or may not probe to the bottom either of men or measures; practical

prison heads learned decades ago that, beyond an easily-defined limit, even first-offending youths should not be over-tempted with the disciplinary lever, and should be subject to the oversight of every State agent paid to oversee. Further, shall it fall out that the agent is unfit to oversee, then change the agent but not the agency. And still further, that the older the offender and the stronger criminal habit upon him, the more binding the duty of the State to see with all of its eyes; to see helpfully and understandingly with infinite patience, but to see, and direct, and govern.

"Oh, but," will rebut those of child-like faith in a scheme which the government of the United States would not dream of implanting at West Point, where the highest of individual honor is the watchword of the corps, "you are not Mr. So and So, nor are they to whom you refer. All of you are of the 'Material and Anthropological School' and don't count." As to that, a tag has its uses,—on a bale of hay, for instance; gratuitously attached to persons it may miss essential values common to men close enough to the Creator to be quite sure He would not care for a fulsome mouthing of them, nor bless attempt to cram them down a criminal's throat. However, let us waive the "gratuitous" and search for answer to that which must be answered.

There is no warring with the potency of properly-expressed personal magnetism to further reform

ends, but just why, while tossing prudence to the winds, must the magnetism run to so much of monkey-business with scratching of backs, and to so little of building of solid foundations from which to carry up in free life?

Are the grand average of employers to be impressed with an ex-prisoner's recital of his opinions and regards, or by the accurate skill of his hands and brain?

What is there reformatory that a convicted felon can contrive, which a finished warden and criminologist ought not the better plan and execute?

If you bore to bedrock, what right has a penal agent to apply vital paragraphs of penal law sharply at variance with the least elastic of their mandatory predicates? Were those predicates advisedly placed out of the sum of human experience in order to conserve law and order, or were they chosen that they might further the mock-prison schemes of would-be bellwethers of reform? Where, on European soil, at this moment, such predicates do not predicate, what class of humans are in command?

At what conclusions must convicted felons arrive if a warden may bait his superiors in authority, while he juggles cardinal provisions of criminal law? What more must he do before he becomes a menace to the public safety, no matter what his personal attributes?

Is the call for all-purpose penologists who are

fitted to merge the good will of officers and inmates with their own in furtherance of fundamental reform measures: or is it for him who breaks in unequipped, yet obsessed by the most childish of reform fallacies to the effect that educational and industrial exactions upon prisoners in free life are but incidental, as compared with the benign influence that flows from his extended palm?

Were it simply advisable and not humane as well, imprisoned unfortunates should be led kindly to the light and encouraged; forgiven much of natural fault; allowed to exercise freely in the open during all-sufficient periods; given frequent opportunity by their chiefs to thresh out personal and institutional ills, real or imaginary; and be able to bank on the best of not one, but of every member of the citizen staff. Much more than all of that in detail a master prison man should get done, stript of fuss, feathers and fireworks. Will he, comprehensively, while afflicted with a too great nearness to himself resulting in the personal-popularity itch, which leads him into the fatal snare of playing criminals up to play, against the law and agents of the law, and down to applied knowledge and skill?

Happen such an one guides a trenchant pen which guides press agents; happen, also, he places a goodly number of well-behaved, discharged prisoners at work in a manufacturing plant run by a singular man whose singular business prospers singularly

during a singular industrial period about to close. What has all of that to do vitally with the broad question of reformation, save that it points the pregnant possibilities of intensive and wholly inclusive industrial training for prisoners? What to do has it with the plight of unskilled, ill-behaved predal felons left behind, who have not been reached spite of all of the play-acting, who can not be "placed" honestly therefore, and in whom resides the nucleus of the reform problem the United States of America over?

Considering that at least ninety-nine per cent of city-bred ex-prisoners will have to be placed industrially or commercially, if they are to stay placed when America shall have reaped her bunker financial harvest sown by the late World War, how much have extraordinary conditions arising out of the sowing to do with the preparedness of ex-prisoners to stand the strain when there are about two prisoners for every job, instead of about that number of jobs for every prisoner, skilled or unskilled, as now?

It is right easy to steer close to and for the pick of intrinsically good prisoners. It is not supremely difficult to get inside of others who are not intrinsically bad, albeit their free-life acts leave but a thin margin between the good and the bad. It is a totally different stroke to strike into the instinctive, habitual, predatory felon, who likes being just that

better than anything else on earth, unless it is being clever enough to overreach him who holds forth cocksure with a panacea for the crime habit. The crime *habit*, mark you, fitted partly by nature and partly by long years of practice to the mind and matter of the man.

Such an one, prison rounder and "pal" of prison rounders, resents first of all being considered plastic clay in any man's hands. He has weighed values for himself, made his selections, knows what he wants and why he wants it the way he goes after it. He will put on or take off tentatively to please if you suit him, or for a consideration if you don't; but he doesn't elect to encumber himself lightly with any part of the social load. You may win him to it, but you won't until you know him and he knows you from tip to toe, and that won't be in a fortnight on your side; and you won't ever with the sum of fads, fancies and sporting features. You can, possibly, if your gifts are great to represent a sound prison regime; if you know how to approach and attack, and especially if you know how to retreat tactfully and as tactfully approach again.

Shall a man tell of simple and easy execution more serviceable, tell him to "tell it to the marines." Tell him, also, that fulsome praise of him by the true criminal usually means that he is being "worked" to criminal ends of which cunning crooks never, for a moment, lose sight. Tell him further



that when the average prisoner of the class waxes enthusiastic over the merits of the prison that confines him, it's a billion dollars to a bobolink there is something radically wrong, either with the prison regime, or with the man who directs the prosecution of it. And tell him stoutly that where reformation abides there abides the spirit of Christ the carpenter. According to the silences that bespeak concentrated endeavor is the genuine to be judged.

While there should be established a manly bond as between prisoners and institutional officers, that bond ceases to bind for reformation exactly in proportion as it motives prisoners to express undue familiarity of kind whatsoever. At any rate, where patronage is rife in prison, put on far-sighted glasses and see if you can not search out the hiding motive for the unequal distribution of it.

Planning future criminal conquests, the deeply-dyed criminal would be a dunce indeed, did not he pull and play for "easy-pickin'" in lettering made to his hand; lettering for prison sentences and regimes which recalls Horace Walpole's "I hold a perfect comedy to be the perfection of human composition." Far from rating the average criminal lightly because he doesn't measure to a yardstick of mentality which he spurns, we have to deal with him while he is in the frame of mind which prodded Robert Browning to pen these razor-edge lines:

"Which of you I did enable  
Once to slip inside of my breast,  
There to catalogue and label  
What I like least, and what love best?"

A very large percentage of criminals are rated "morons" by surface-sign penologists who usually plan prison activities as if it were exactly the thing to fix that rating. As a matter of fact, the word "moron," as applied other than to the crassest and least equipped of criminals, is aimed wide of the mark. Those surest of word-tags shunt the fact that criminality to the real criminal is a calling, considering which he does not differ mentally from millions of sub-strata freemen, held down by handicap piled on handicap. He is usually sub-normal mentally only in the sense that he has been deprived and chooses to pick a living. Aside from the fact that he is an all-around defective and not a mental defective, on the average, what wants to sink in is that the predal felon's every faculty is concentrated on the end he seeks, which is to be a clever thief, exactly in the sense that another aims to be a clever lawyer of the shyster class.

The man harnessed to acts of predation doesn't care a rupee whether the earth revolves about the sun, or the sun about the earth. He might well fizzle at a mental test for a ten-year-old, as for the matter of that so might the examiner if called upon in-

stantaneously to solve problems alien to his chosen line of thought. The end he had sought and seeks explains why the average criminal gives his mind to little outside of his own specialty; but he can do a slick piece of "picking" and not leave a finger print, "plant" or cash in the bulk of his loot, lead Johnny Detective a merry cross-country chase, and then, if caught and corralled, he can "work" about ninety-nine per cent of "surface-sign penologists" *ad finem*.

Dearer to the heart of the criminal by choice than any Iron Cross is the applause of expert craftsmen of his grade; when he can win it, he is further clever enough to confirm rather than refute conclusions of the cocksure psychologist to the effect that he is mostly victim of arrest of mental development. Self-paced, he will pick with a pick in the open to his own physical ends; yes, but don't crowd, and do expect him to "keep under cover" his criminal record and the major part of schooling he may have had in free or former prison life, while he holds in reserve sufficient of mental-physical skill to solve any combination the locksmith can contrive.

Scores of active workers who strive manfully and studiously all of the way to meet the varying needs of the varied felon have too long yielded the public forum to two classes of prison reformers who are equally obstructive of prison reform: (1) "Hello, Bill!" triflers who are long on pull, the press, and the "personal equation." Exploiting the alloy in

the last named in lieu of a hard-won equipment strangest to their striving, they will give off or take on any reform antic calculated to arrest the attention of (2) Self-nominated criminologists of lay extraction who base militant, even incendiary, reform agitation on an idea of at least ninety per cent spurious, but which with them amounts to an obsession. Taken in the broad, the fetich is that the State should toady to, and thus "get along" with, its criminals. Quite to the contrary, actual reformation issues in the case of the actual criminal only when he shall have been made over sufficiently to enable him to "get along" with the State. Isolated and much-touted cases which seem to war with the latter truth seldom if ever relate to the "actual criminal" formed or reformed. There is vast difference between the Jean Valjean brand of offender and the beast who breaks for a killing with a sneer in his heart for human life.

Through much of noise, others have sought and seek to shape opinion at large in favor of mock schemes which are opposed to every known law governing human progress; fantasies that offend intelligence; curriculums which are planned as if for kindergarten play; much of bone rattling in a Bowery atmosphere; more of fake "features" that break up continuity both of individual and mass endeavor and therefore of the institutional regime; and most of disruptive sport upon which Moses of reform would

fasten the won't-work fists of bruisers of the prize ring.

The last vacuity and present pressing urge is to turn the discipline, the very spine of the institutional frame, over to a coterie of convicted felons for prescription, proscription and regulation. That were a precarious throw in a college where the units are mostly like and normal, are held to averages, and where the mass strive practically as a unit to a common end. In a convict prison where dissimilar, when not abnormal, units head for different and differing ends, spite of their lip-service and bunco-steering in the interest of "easy-picking"; where the clique is inevitable, and gravitation to like cliques of like units is as inevitable; where the cleverest criminologist cannot fathom all of the ulterior motives which move the cunningest and best-behaved of prisoners to feather their nests, regardless of the pitiful plight of their less brainy, yet more manly, fellows—it is close to criminal practice of the kind for which the law holds irresponsibles, and which the taxpayer will excoriate, once it bores in that he and the bulk of criminals are mulcted through its operation.

Banalities of reform impose upon but a very few of field workers; and only upon the most stupid in the sense that self-interest constrains them to hush convictions, rather meanly, perhaps, which the decent prisoner himself will admit are well-grounded,

if you knew how to get at him, and he knows you will not name him thereof.

As if to make the case fully binding, gentlemen employ pressure for commitment of first-offense felons to convict prisons conducted as given; that, not only, but to penitentiaries wherein the establishment of a synthetic regime of reform is impossible, and wherein the lowest of habitual criminal rounders and sexual perverts are always in evidence; and that, rather than to bona-fide reformatories, which are rated the world over by those really in the know as among the highest in reform efficiency. The last procedure constitutes, in itself, a true bill against overnight plungers who seem incapable of devising a single man-refining process which is function free of reactive alloy.

With an airy wave of the hand, the same gentlemen dismiss reformatories as "forty years behind the times." By that flippantly-gestured assertion they mean forty years behind institutions run practically in accordance with the plans and specifications of prisoners, and appreciably, therefore, on the vaudeville plan, with the human cuckoo and change artist featured. Nevertheless, it is certain as death that prisons as well as reformatories so run will reduce in due time to spineless, subterranean frauds, constantly in ferment over the question as to which class of felons shall "put over" the most of anti-social activities in clearing houses for

criminals. The cardinal reason for the mushy enthusiasm of prisoners for men and measures in question provokes repeated repetition, because that clumsy, while cheap, subterfuge is so slow in taking up its abode in the public consciousness.

It is that the daily schedule of such an institution is precisely fitted for ulterior machinations, the which a fulsome mouthing and advertising do not change in the least. It is that therein prisoners can malingering, dictate essentially, be amused along lines of distinctively parasital whim, have a "bum argument every minute," and belittle those who believe that a white-bosomed boiled shirt on a prisoner is meaningless unless it symbolizes his stiffened determination to win out after the dictates of a white heart. It is that therein emulation of the truly good and serviceable waits on the last banality. Therein, deterrence, short of which about twenty-five out of every hundred members of a free society would head for the rocks, is nil. Therein and thereof, shadow-dancers shunt substance. And therein the real criminal can and does fool most everybody, including himself, most of the time; for, above all others, he pays as he goes in prison, out of wasted opportunity and a spirit at war with that to which he must adjust or be brushed aside in the end.

In and out of prison, the real issue as pertains to the real criminal is essentially that which moved the Christ to visit His most scathing words of con-

demnation upon drones of the human hive. Next in the order of His wrath came conscienceless money-getters. Never, by so much as a syllable, did He compromise with either. Neither did He shrive other than the repentant thief until he had put off sin and taken on "faith with works." And He "coddled" no man; not even the chosen of His disciples. That is meaty ruminative matter for some who apply their pet foibles of reform in reverse of the meaning of the Saviour's deeds and words; it is, because your real criminal is the real problem, and he is nearly always a predal parasite by selection who aims to employ the last subterfuge in furtherance of that selection.

With a cunning which overreaches such as Binet-Simon tests, also the best of intentions of the unequipped who have had no call to cross those schooled to probe to that cunning, the criminal clubs with combination. Therefore his narrative has stressed the lie, lurking or direct, calculated to discredit men and measures, the one of which he could not readily deceive, and the other defeat. And so, all of noise having been made by birds of a feather and those who preen their plumage, the public has been led to believe that little has been left unsaid by the other side.

The public could not know that censorship of criminological matter practically has been maintained by lay reformers; nor that the writings of



those who have dared the closed preserve have been "reviewed" by swivel-chair penologists with axes to grind, and disposed of with criticism which ignored the main arteries of the context, and otherwise was at patronizing pains to "damn with faint praise."

Publishers are excusable in having had an eye to financial returns; yet it should have occurred to them that there was a leak somewhere in prison schemes that encouraged social bandits to "come a-shootin'" in constantly increasing numbers at high noon; and to go jeeringly to prison, if caught and convicted, against which the odds are now about fifty to one. At any rate, the public has arrived at a state of mind which wants to know, and means that truth shall have a hearing.

A part of the specific truth is that the agricultural prison, the much-touted panacea for crime, is an illusion and a snare, conducted as it is, usually, on American soil, for other than juvenile offenders.

Conducted on Australian soil, under Australian conditions and edicts of the Commissioner General of Prisons for the Crown, backed by penal law which assures actually intensive farming with all-around conduct and endeavor to match, it clasps hands, for Australians, with industrial training, of which it is, in essence, a branch. Given over in America mainly, as it is, in effect, to summer vacations whereof prisoners set the pace of it and therefore the price for it, it misses at once the marks alike of economy,

prevention, deterrence and reformation. It is in fact a bid for exactly that which it assumes either to ameliorate or cure. And so, specifically as to the prison farm, with or without a Welfare League:

The country-bred felon is negligible as relates to the total of crime and to the character of it. The city-bred felon is negligible who would work a farm consecutively for true with offer of a quit-claim deed to it. That being the concise case stripped of buncombe, why the shouting, and jostling, and press-agenting for the farm-prison?

Does the reformativæ effect of æsthetic prison farming so stand out in the parole record as to make that effect paramount, even arresting?

If the Earth Mother actually got but so far into the system of the farm-prisoner as to make the smell of her soil lastingly grateful to his nostrils, wouldn't she win a very great many of the poverty-bred-in-squalor of him permanently to her bosom? If she doesn't win any to speak of, even tentatively, and she doesn't, isn't that fact fairly indicative of mere mouthing her virtues and faking her benefits by prisoners in order to court favor and clinch easy-going to an early parole and a more fortuitous swing around the criminal circle?

Were prisoner farmers timed and paced as farm farmers time and pace indigenous help, would city-bred felons "beat it" to or from farm-prisons? Had prisoner farmers been reasonably timed and paced

who worked the prison portion alone of the 42,738 acres of New York State farm property for the year 1916, would farm produce for State institutions have cost the State \$2,138,504 for that year? If they were not reasonably so timed and paced, why not in the name of that kind of reformation?

If simply to "hold the mirror up to nature" is the vital thing to be done for city-bred felons, why, as to the first-offending of them, any prison? Why not indent them to farmers on their own recognition to make good in restitution and service under reasonable writing? Why not, and subject them to loss of time in service, and commitment to such penal institutions as original committing magistrates would deem wise, shall they have failed to measure reasonably to those terms?

That would lighten the taxpayer's load, relieve the tension upon farmers to obtain hired help, effect natural reward and punishment, subject fellows who slip rather than slide illegally to contact with aspiring criminals, only of their choosing expressed at least twice in the act; and afford thousands of chance-battered lads a fair fighting show to pull up actually on honor free of the felon's brand.

The "on honor" part of the proposition would be made flat and unprofitable through the overfeeding of it. When indentured and without stuffing him with the idea, a lad should be impressed with the fact that he is placed on honor. Also, he to whom

the lad is to be indentured should be impressed with the fact that the lad had been so impressed, should not be reminded of it thereafter, and should be allowed to work the thing out quietly for himself. In the meantime, self-interest in the comparison as between farm and prison conditions might hold safe the great bulk of lads not yet capable of sustaining a superlative sense of honor.

The on honor mark is palpably missed at farm-prisons wherein is kept constantly at leash a pack of braying bloodhounds, suggestive both of breach of honor and the fangs of the law; and that mark is made cheaply misleading beyond prison-farm confines when the unqualified word is prefixed, and the phrase is exploited to read "*strictly* on honor." The point is that we have expressed once more the mode of low level at war with the vaunting word, which is to say: a pack of repressive bloodhounds in the flesh, as opposed to "*strictly* on honor" out of mouth. Moreover, we have the personal equation at odds with the purpose of the pack. And do farm-prison guards trail the pack empty-handed when the latter is placed on the scent of escaping prisoners of the first-offending class? If they do not, why pound either the surrounding walls or the armed guards on them, of convict prisons of last resort, wherein there is always a free sprinkling of "life" homicides, and wherein many-offense criminals by all degrees of assault are the common lot?

Nevertheless, an agricultural prison, run to intensive farming, would be far more serviceable than an industrial prison wherein inculcation of industrial habit is arrested through yielding to prisoners for variety of employment gone about half-heartedly, and further mulcted of its meaning by ill-timed play and amusement, the mere suspicion of much of the latter of which is as a slap on the cheek of reformation.

In any case, why dress comparison in the flimsiest of æsthetic lingerie? If tumbling out of the bed at 5:00 A. M. to spread manure all day, then take one's lick at after-supper chores will be reformatory if reformatory because it is designedly practical rather than dreamily poetical, why not put it that way for what it is worth? When it is not put that way and is dished up à la singing bird and soul's ease, wouldn't it be well to salt freely before swallowing?

Open-handed Nature needs no champion, though she reserves her queenly bounties for him who brings to her the mood receptive. That fact alone knocks the pinning from under the reformatory claims advanced for the prison-farm. Let the lure of the urban whirl once get into the blood of the crime-free, city-bred man, and it is nearly certain to decide his geographic destiny. Should his more immediate ancestry carry to nature-loving farmers, he will likely have moods during which the call of open

spaces will be strong upon him. Yet the moods will be as moments compared with the length of his days, and as incidental things apart put against the sum of his predilections. Could he fill the shoes of the old-time cavalier farmer flanked by his peers given to the gun, the flask, the gaming table, the merry maiden and the minuet, that might do. But to turn out with the chickens and tread it between house, barn, shed, pen, crib and coop throughout the long winter months, not he; not until as bad as twitching nerves cry out for surcease from the city's urge and surge.

Say not a word of the confirmed night prowler and habitue of underworld haunts who would lie awake o' nights rather than dream of hard work, fit the application to even the city-bred circumstantial criminal, and it tells why he and farming cross-match. Notwithstanding, many good people indulge day dreams of the ex-criminal farmer. While in the dream state, many of the same people have no doubt scooped up "much fine gold" out of the gutter. When actual coin issues with such dreams, the confirmed city-bred felon will take on more of farming than the punitive measure compels; and he won't then unless advantages accrue which make appeal distinctively apart from farming. And don't let it get away for a moment that confirmed city-bred felons constitute the crux of the crime question.

Indenture might be made to work out for first-

offenders, if founded upon the right kind of probatory guidance, backed by methods of procedure which would make the capture of elopers practically inevitable. Even so, it would require most careful handling maintained free of makeshifts. To incline a lad to lean, rather than to try hard and keep on trying, would be fatal, above all. We have it "practically inevitable," because half-way measures employed to apprehend elopers amount to a direct bid for them to elope.

The Canadian determination to come up with the eloper rings true in that the illegal act is dealt with primarily from the standpoint of its effect upon the mass. Also,—since alienists themselves differ as to the legal degree of guilt of offenders in the execution of illegal acts,—the common safety is held to demand that the commonwealth shall be given the benefit of all doubts, particularly as to the legal disposition of offenders of the blood-spilling kidney.

Were not the straining for the opposite procedure in and out of court rooms in America, the likes of Harry K. Thaw would stand convicted of the uncovered act, and be sentenced for what they are, instead of in response to a mercurial public sentiment, influenced more likely than not by the maudlin and baldly anti-social.

Thaw, for instance, started his criminal career on his belly in the nursery, beating a tattoo on the floor with the toes of his shoes, screaming for what

he wanted, and getting it. His congenital neurotic taint was known admittedly, all of the way, by those of his own household.

Whether Thaw's perverted sexual instinct was acquired in the usual ways during childhood, or it crept in with his unfolding sexual power, or it was one of the cross-flings of Nature, will never be known, unless Thaw himself shall have supplied the connecting links. However established, the neurosis and the perversion would be mutually reactive while destructive of the man in Thaw, which fact should constitute the least of reasons for his immunity from legal prescriptions.

In any case, when Thaw murdered Stanford White he was surely a finished egoist and morbid neurotic who had piled profligacy upon profligacy, while brazenly contemptuous of consequences, because confident his string on the Thaw millions would pull him through. More to the crucial point, he should not have known a day of liberty after the one on which he flippantly executed that murder, when he was, in all human probability, a masochist by flagellation.

At Thaw's trial for the killing of White, Thaw's neurosis was featured by the defense; his profligacy and egoism were commonly out of mouth and easily fitted to him; his whole course had been run in such a manner as to nail to him the assumption of immunity from punishment for a price; his masochis-



tic propensity lurked invitingly here and there in the evidence; yet the prosecution obligingly trained its great-gun fire on the mock-heroic mark set up by his counsel. Moreover, alleged justification of a killing resided in the alleged betrayal of a woman at an alleged time when Thaw had not an iota of legal claim upon her. And the cardinal allegations were by the variously and most vitally motivated witness for Thaw, who had to be garbed in white, and WHITE in deepest black, if her tale was to grease the going for acquittal.

Whatever the quality of the woman's testimony, we have it out of her own mouth that she was in mortal fear of her life, once Thaw was at large. Just why that after she had pyramided odium upon the memory of White while lashing herself in the words she did in order to save Thaw? If because of Thaw's threats, as she claimed, just why and what the threats? If Thaw was good enough to save as she saved him, just why, saved, wasn't he good enough to live with, and his reach to a bulging exchequer?

Isn't it highly probable that the key to the woman's testimony, as well as to the killing of Stanford White, is shadowed forth in Thaw's last masochistic act, for which he was last in the law's toils? If there is nothing to that reasonable deduction, and everything in the case as closed by the defense, what is there in it other than to sober society as to the

capital motive for each capital act, of each capital actor, in a tragedy cunningly staged by a neurotic, erotic, egoistic, from-the-nursery-built brute?

What is it in so many Americans which renders their moral scent valueless and them mawkish, once they are full tilt on the trail of a criminally salacious "thrill"? What was it in their makeup which refused the palpable Thaw all the way from the cradle to the legal fiasco in New Hampshire, while insisting upon him at his own valuation, cunningly flashed on "movie" screens the country over? What of law which divided States ostensibly united for the common good, on the question as to the proper disposal of such a fugitive from justice, apprehended within any State in the Union?

Assuming Thaw to have been a monomaniac, having drawn human blood, was he the more, or less, a menace to the public safety than he was before he drew blood? What else, in common sense, had his mentality to do with the disposition of him by a State wherein he sought immunity from apprehension by a sister State?

The foregoing brief summary is thought worth while and in place to emphasize the fact that comprehensive analysis of the criminal, of his crime, and of his reformation, must take serious cognizance of the measure in which a spurious public sentiment governs. If, as pertains to the impulse by which he was obsessed, Thaw was not beyond human help

before he slipped the handcuffs of the law, his masochistic act following upon his release from the law's toils seems to tell that he was done for when a "spurious public sentiment" got through with him.

From the standpoint of equal justice, the responsibility of society for a given criminal may be argued either up or down. The crux of that question frequently resides in what manner and degree man is the keeper of his fellow who insists upon being kept; and that issue may stand athwart of the more æsthetic of two perfectly good motives for human action. However, in so far as public opinion operates to speed the criminal from court after having confirmed him there, it is free of criminal participation only in the sense that the damage done is done unwittingly. A community that doesn't know why its criminals are criminal and remain criminal, lacks fundamental knowledge from which to specify either for or against them.

There is no other explanation for crime on the increase in America and on the decrease in England during the last two decades; decades during which the crime problem of peoples cousin-german was nearly the same, and when furlongs in the limelight were let loose in American prisons, while Britain went on her quiet, cohesed, and humane yet sanely-repressive way without suspicion of frill or flounce. Still, England's criminological cult dilettante are certain prison progress would have been markedly

enhanced had they been at the prison helm. Hardly! The like American cult charted the reform course during those decades and the comparison is as it is, while the police authorities call citizens to arms to stop murderous marauders.

Neither is there full explanation otherwise for the meagre efficiency of the American ex-reformatory lad as compared with the commanding worth of the English ex-reformatory lad, nor why England makes the most and America the least of ex-prisoners of all grades; nor for the American recidivist who holds all of the world's records; nor for the Apache of the Paris boulevard outdone by the murderous footpad of the American metropolis, who waits neither upon night nor ten thousand of the be-badged; nor for the sum singular of capital crime in America, where the average prison term is shortest, where prison life is made most endurable, and where probation before and after conviction for felony is the longest drawn out and the most liberal.

Tracing effect to cause, one can be tripped easily into a straining to see that which one is predisposed to see; and all are more or less predisposed to see, else monogamous mating of male and female of the human species would not have won out over polygamy. But since man's judgment issues largely out of the sum of objective impressions, his subjective predilections must have a balance wheel, else his mind will groove to one or another form of fetich-

ism; and fetichism is single-seeing which grossly exaggerates the importance of a single part of, or object attaching to, the body of anything.

Hence the sexual fetichist who fondles milady's shoe which, if it be of black leather, high-heeled and buttons, leaves him spurning the soul and body of her. Hence, too, the fetichist who coddles high-heeled sentiment, which, in his mind, can be made to supplant *the heart of reformation*, which is *preparedness*; also the antithesis of the sentimentalist and stickler for steel-ribbed retribution. Then there are the bald opportunists, whose fetich it is to affect the colors of Public Opinion, name it otherwise what you will; and their small army of retainers, the jockeys of reform, who elect to ride the winning mount, and name that what you will so it lands them "inside of the money."

All of which is very far from inclusive, but it tells of a house of reform divided against itself, to the exclusion of team-work, which alone is reason sufficient for comparative instead of commensurate results obtained in America's reformatories and prisons. Furthermore, had separatists been sound in their singular conclusions, singular application of them would have left the criminal up-stump, and their structures of reform wabbling; for pre-criminal motivations and post-criminal exactions of the true criminal are never singular, and the reform structure must needs be bound solidly part and part

if it is to stand and express a worth-while purpose.

Looking at a massive, steel-framed, modern "sky-scraper," not one in a thousand will give thought to the hundreds of thousands of little steel bolts that hold it staunch and true up there thirty stories. Looking at a sky-pointing sentiment, not one lay reformer could, if he would, think of the scores of comparatively little ties which must bind it in prison if it is to be effectively applied to all classes of prisoners; he wouldn't for exactly the same reason he couldn't execute an operation for appendicitis; he couldn't, because emotion or knife, it must mate with a carefully-screened experience, or he will foozle with it; and the more singular the application of his fetich of reform, the more pronounced will be his foozle.

As a matter of fact, more or less of sentiment lurks in every worth-while thing a man does or attempts to do. Sentimentalists but repeat primal truth when they assert that sentiment is always an element of reform, and that it may strike to the depth of a base element in a given case of reformation. Notwithstanding, that man only has call to lend *emphasis* to sentiment in reform work who fully understands the dangerous nature of the by-products of sentiment.

The by-products of sentiment will complement those of the base element if they are refined as well as confined to a serviceable end; whereas if they

are dumped promiscuously to a short-sighted, convenient end into the touch-and-go minds of criminals, they will flame and do untold damage there.

Take a material case to illustrate: Having a great, big thing in crude oil, the Standard Oil Company started dumping the by-products thereof where it could best be rid of them. At Rochester, N. Y., they found their way into the city sewers. That resulted in a naphtha explosion which wrecked part of the city sewerage system and occasioned loss by fire of several flouring mills in the mill section. Such reactions threatened the profits accruing from the marketing of the base product. The company cast about for relief, with the result that those same by-products bless both buyer and seller to-day.

As relates to the sewer of the mind and by-products of sentiment dumped into it,—from the “movie” screen, for instance—the parallel is obvious. Nevertheless, the public ear and eye have been supersensitive to the sentimental monotone, while dull to the infinite graduation of its shadings.

Betimes, 'tis pity the earnest one-string player doesn't take to the study of criminological harmony. More often the virtuoso is a slick charlatan out for spoils; most often he plans imagery that pays; but whichever his classification, given to him a gift of gab with which to work off frayed platitudes, and he can leave an American audience wondering how

criminology got along so long without him. With the audience, the conclusion is foster-child of the desire to wash its hands of the criminal in the least troublesome, least expensive, and most expeditious way; and that can't be, because about the ninety-and-nine of crass criminals are to be reformed, if reformed, through procedure exactly the reverse. And mark it once again that the crass criminal is the crime problem.

Through accepting the bald untruth that reformation of the "submerged tenth" of felons reduces to applied sentiment, the public has earned the varied and various imposts springing therefrom. Self-made men ought to have had it on its face that, if formation of character issues out of hard work, hard going, and hard knocks, reformation of character cannot ensue upon the mere tossing of sentimental bon-bons,—serviceable as they are when sped from heart strings drawn to the dictates of a comprehensive understanding.

Reformation differs from another human problem in that laws governing it are binding alike as to the putting off of the bad and taking on of the good. So much Nature exacts while she works without rest to rehabilitate man into his original heritage of balanced well-being. With man's lapses Nature has naught to do, save that she shapes all of flesh to its cell substance; and she does even that benignly, for did she mold man to perfect flesh



in the face of his physical transgressions, he had picked and passed ere he had dug to the roots of destructive metabolism. Nor would broken law of being at a bargain price have served. The inevitableness of Nature's last impost had to get on man's nerves and stay there, before he would take up serious consideration of spiritual values. "Be good," says she, "if you want to be handsome," meaning, of course, in the broad.

Because the law of compensation heaps to infinite measure it is that your confirmed thief shapes to anti-social sequence piled on anti-social sequence. Shall most of the piling have been effected by his forbears, he will thief the more readily because of that fact, albeit a meaner job may be done by him concerning whose ancestry no overt illegal act is discoverable back as far as hereditary transmission is supposed to strike. Still, could one search his blood with an all-seeing eye, he will have been found within the law; say for an instinctive cheat here, a loose moralist there, and a fast alcoholic elsewhere, cropping out from either blood line and resulting in a "pore critter," besmirched with more or less of all of the tar.

Many come so by a marked neurosis which develops ever-increasing irritableness with concomitant weakening of the will-power and lowering of resistance to evil influences, inclusive of the impulse to thief. They usually know they are stricken, shrink

from the ever-heavier burden visited upon them by their natural handicaps, sour on life in general and work in particular, and choose the line of supposedly lesser resistance to a packed purse.

Place such an one habitually in a criminous environment, and anything may happen to him. Snatch him time and again out of that environment, as often to parole him from prison over the mushroom route, and your responsibility for him is as the number of times you so sin against him. For him there is no short cut to reformation, taking which he will endure under pressure. Save only for the fact that Nature remains his fast friend, he must retrace step for step, substitute habit for habit; yea, even learn to counter on carnal sin with the last resource the human mind can employ, which is to shunt a bad thought for a good one.

Notwithstanding, some who assume to set the reform pace have the one eye fixed on the conduct record, and the other eye on the exit door. Nothing could be more fallacious, even when figures are free of assumed quantities on the side of reform, which is rare.

A clear, white space in the conduct column under the name of a nearly-normal lad old enough to grow a beard means nothing reformatory, if such as his trade, scholastic, and military markings in parallel columns are lower than negative. Such a lad is guilty of what criminals call "stalling," which means

he is not trying. If he won't try in prison, he won't try out of prison, and if he does not take respectable knowledge and skill to a market ordinarily closely competitive, he will go down; lacking sound preparation, the handicap of the prison mark alone will floor him.

Thousands of habitual criminals are such because, when first-offending prisoners, they were suffered to fake their way through on conduct to a minimum parole, without having made a serious try for markings that have to do vitally with the winning of honest bread in free life. And that is highly informing, since exactly those who make the most noise about "giving the criminal a chance" are exactly those who fix their eyes as given, while they drive the indeterminate sentence as if it could be made to do no harm.

In the first place, it is arguable as to whether the indefinite sentence should issue in capital crime against the person. The doubt looms up the larger because of the fact that where there is reasonable presumption against intent to kill, the law operates elastically in favor of the accused in America. Where such presumption is not in evidence, it is a precarious proceeding to employ a form of sentence, the very terms of which operate perforce of example to cheapen human life; for cheapening of human life is always one of the cardinal causes of disintegrating national forces.

In the second place, you can not play both ends of the reform game against society. You can not make a felon's term of prison service elective by him to the last limit of liberality, and at the same time make the quality of his service alike elective during that term; you can not, short of reformative averages shot to pieces in order to further indefensible, short-term paroles. Neither can you delete from reform endeavor all of coercion and build to reformative averages; you can not do that if for no other reason than the Turk's "Every man is as lazy as he dares to be," which is essentially applicable to the bulk of predatory felons, though it may remain essentially Turk otherwise.

Nor does the number of paroles from a given institution of reform, for a given fiscal year, necessarily tell of the reformative efficiency of that institution. Every lad may have been placed tentatively at work upon parole, and still leave the place chargeable with gross educational neglect.

The largest parole list may mean the least, and the smallest the most of reform. That will depend upon the balanced fitness of the paroled to stick where placed in free life and fight for better fare, concerning which a clear conduct record is a mere incident, shall a capable lad not have responded to the vitally important call for all-around schooling. Shall he not have done so under a form of sentence shorn of all but the semblance of repression, he

leaves the State choice in common sense neither of inference nor of action. Palpably, he should be excluded from the parole list and required to dig diligently for basic results. Then, and not until then, should his conduct record receive serious consideration.

Where and when sentiment can be made serviceable, there and then it should be employed; that, not only, but with a patient wholesouledness which leaves a prisoner not a stone to stand on shall he refuse it. Nothing short of generous justice tempered with mercy can meet the last exaction of a fellow who is more or less victim of unfortuitous circumstance, even unto that which the Wassermann test so frequently reveals. But the appeal of his limitations does not end there. As surely it is for a course of education and training which shall groove his thoughts to his duties and responsibilities as a man and social unit, rather than to his rights and privileges as a prisoner. Shall he refuse sentiment calculated to put him in the former frame of mind, while persisting in the latter, there is nothing for it but to hold sentiment in reserve until its reentry is called by respect for it on his part; else we shall have vulgarly commonized sentiment to no purpose other than to leave it in contempt in a falsely-construing mind.

Of that fact the after-parole record is eloquent,

yet it has been quite the vogue in America to insinuate prisoners into the belief that they are mis-used when not allowed to trifle along the lines of their choice. That has resulted naturally in reform at low pressure with such as the banjo, baseball and the pug-ugly on the boom, and a daily schedule of work so broken as to bear no semblance to the free-life working day. And that has been to extract the last of sting from the consequence of crime. Imprisonment which runs to one or another form of horse-play is the baldest of bids for the predal felon.

The very terms of the indefinite sentence presupposes high-pressure reform in reason, else the very terms of that sentence must operate to defeat reform. The average young felon in America makes his parole from a reformatory in about fifteen months. Thousands of them have made three and four paroles from reformatories, from whence they took not enough in their brains and at their finger tips to command the wage of an apprentice in normal times. A criminal won't work for such a wage; hence, mainly, the repeater and habitue of prisons of last resort, and hence the responsibility for him, in appreciable degree, of those who pander to his depraved instincts rather than prescribe for his sore needs.

Every general rule has its exceptions, both as to the good and the bad; therefore the genuine crim-

inologist is sparing of general rules. But, if a man tells of a prison of any grade in which there is next to no friction, he tells of a prison wherein efficiency gives place to compromise with criminal instinct. A thousand, say, of nearly the worst men a State can scrape up, do not bend, unqualifiedly and to a man, at any given time, even to the will of the Almighty.

Anyone who can flash a smile, crack a joke, and avoid the rough edges of prisoners can keep them good-natured; but it takes a master man and criminologist to win the voluntary support of a prison population for reformative averages throughout the system. For him who persists in that there is sure battle with a minor percentage of recalcitrants who would neither give nor take a reformative hand, were they left to freedom of choice. Such prisoners must be handled with extreme tact and care, yet without capital compromise, else they will influence weaker, if intrinsically better, comrades, who are pulling hard against the criminal stream. Gentlemen tell a different tale; indeed, one that reminds of frosted sweets; nevertheless, it is garnished without regard for the vital interests of exactly that class of prisoners from whom the most of capital crime flows. Furthermore, we may rightly rate such prisoners to be ordained criminals, only when they shall have been given a fair chance to cast off handicaps either acquired or thrust upon them.

Concerning the bulk of alleged prison reform of recent years in America, Americans have declined to think, even so far as indicated in the preceding paragraph. Had they given that little of thought to a big question, they had shunted divers flimflamming; flimflammings so transparently cheap that to try and not be able to see through them verges close to an offense against intelligence.

Because the American people had accepted unthinkingly the conclusions of pacifists at their face value, while refusing the counsel of those fitted and trained to search out the beast in the heart of man, the toll of lives of America's most precious sons was taken by the late debacle. Because the same people have yielded nearly unlimited power to do and undo to ultra-pacifists of reform, thousands of savable offenders have been aligned with the like of the Chicago and New York terrorists.

The latter ominous sign but bespeaks a bad business begun. So long as reform regimes are written by those whose credentials thereof are next to nil, so long will the lerna worm of lawlessness draft the more of the ugliest of its heads on the body politic. And the gauge of lawlessness is as the hourglass of a nation's life. So the sand has run, so it will. Other causes will be contributory, but the germ of national suicide resides primarily in the hand that is raised against the law of the land. Gripping that



hand, what figure persists in pen-pictures of dying nations with the reformer who was deluded when he was not a demagogue?

There is no other way out but to hark back to common sense born of cosmic truth; to first off assure the public safety, if we are to cohes a polyglot, cross-bred people for intrinsic American expression. Specifically, we have no choice but to demand that prison regimes shall be purged of pernicious frills and thrills chargeable more than any other one influence with America's constantly mounting sum of criminal recidivists. That is as certain as it is that the tearing down, as well as building up, can be entrusted safely to those only who understand why it is that a rational substitute is yet to be devised for a correctional institution for adult city-bred felons, wherein "Work is worship"—preferably under a trades-scholastic-military regime rationally prosecuted.

Criminals who fetch, carry, and fairly ooze criminality can be depended upon to berate any reform schedule which does not court criminal subterfuge designed to force nugatory compromise. Once that basic fact breaks into the American mind, they will pass who tie to the obliquely-conceived schemes of criminal rounders. Then should respect for natural and man-made law be established within prison walls. Then should crime-tainted prisoners actually

have "a chance" to prepare themselves for lawful activities in free life. Then habituals who do not accept that chance should not be suffered to drag down those who would otherwise elect to pull up and pin their faith to honest coin. And then criminal law, backed by public opinion, should proscribe extremes in prison management.

## CHAPTER V

### CROSS-MATCHED CORRECTION

Imagine Yale seniors to be ticketed for Yale's year-round sporting events, and other classmen relegated to the usual grind on the days of those contests: would study markings go up, or down? Wouldn't ill-concealed resentment react against the spirit of the student body, and wouldn't the reaction carry to prospective sons of Yale? What would be the general effect, throughout the year, of such a policy?

The object of this writing is to make it clear that when correctional measures do not correct, they do not, appreciably because of enervating contrasts akin to that assumed in the initial sentence of the above paragraph.

Consider a case in point: On the outside, it takes a young man from five to seven years to become a journeyman mechanic. He serves from two to three years ere he is rated an intelligent apprentice. In either instance, he works approximately eight hours each day. Observe, in contrast: The average, first-offending felon is utterly unskilled, either as to a

trade or occupation, when he is sentenced, indeterminate, to a reformatory. Nevertheless, he makes his parole therefrom, on the average, in close to fifteen months. Therefore, must there not, "on the average," on the very face of things, be a leak somewhere, as to his status on parole?

Aside from the handicap of the prison mark he carries, can an ex-inmate who had worked at a trade approximately four hours each working day compete, as "an intelligent apprentice," with his fellow in free life who had worked three times as many hours as he at that trade? Can he, essentially, if along about the ninth month of his confinement he is plucked from his trade instruction to engage indifferently on the institutional farm, or to mix concrete on a public thoroughfare?

Farming, thoroughly taught to a lad who elects to pursue farming as a vocation, is excellent procedure. We need more farmers cultivating more farms; and since good roads should encourage for more farms and farmers, road building can be made exceedingly serviceable at once to the State, and particularly to circumstantial offenders who are classed as roustabouts.

But why, in any case, scramble schooling? Why, intrinsically why, lift a lad from expert instruction at a prime trade, just at the time he should be taking on the most of marketable skill, in order to place

him temporarily at work he would not follow voluntarily in free life for a month,—not for any man's money? Why break his hold on a big thing and reassign him to putter at an avocation he will spurn the moment he plants foot on free soil? Why, as well, should common and uncommon schooling and fundamental training go by the boards along with his instruction in the hand-tool processes?

At colleges the situation is saved, measurably, in that no favorites are played; albeit educators and mentors have their hands full in attempt to steer bucking young bronchos clear of the corrosive by-products of pure sport.

In walled correctional plants the few are chosen for work in the open, though nearly all believe they should be. Hence more or less of resentment is felt by those who miss the mark, since comparative liberty, under comparative freedom of action, makes the strongest of bids.

However, the point to be stressed is: that the attention of the mass of lads is distracted from basic bread-winning effort and given over, in pernicious degree, to mental images of actual practices which can have but incidental bearing on their social rehabilitation. The primary effect is to hold up consecutive, concentrated endeavor. The secondary effect is to leave a lad but casually acquainted with the rudiments of a trade at which he had had nine

months of instruction; instruction at which he had "faked" and malingered largely because he was motivated as indicated.

There is no guesswork about our asseverations. They are wrung out in constantly lowering averages which eat to the very heart of reformative processes. For this, the blame rests mainly with lay reformers (?) who plan reformative (?) regimes in compromise with the instinctive reactions of obliquely-thinking, wrongly-pointed lads, instead of in accordance with their crying needs. That, not only, but further in fateful disregard of their unique exactions. And that, while gentlemen stress paradoxically the obvious necessity for special training and disposition of the comparatively deviated.

As a matter of fact, careful analysis discloses the average felon to be more or less abnormal; but let us stick to our specific last and further clarify with a concrete example: A Simon-pure "moron" pulls nearly straight, as to conduct, for nine months, and since conduct is wrongfully held to govern, he is then gratuitously transferred from all of interlocking training and education, to such as the pick and shovel. He is, notwithstanding that, being a "Simon-pure moron," he had arrived, so to put it, at no better than on speaking terms with the working tools of his inside, educative activities. He had, partly for the reasons advanced, and partly because he

could not pace to the pace of his better-equipped comrades.

Bar physical exigency, then state a defensible reason for his transfer? Do it to negative that of which he is cheated, plus the fact that he could not if he would—and he won't because he isn't built that way—get anything lastingly worth while out of passive motions connected with a kind of hard work which is foreign to his natural and acquired attributes.

Mentally, even physically, our subject is not unfolded, and he will not be until time and the best that men can devise shall have been given a fair chance to waken the dormant man in him and help him make himself over. Following the plow won't do it—if he would follow; neither will such as the abstract process of mixing mortar—if he would mix, and stick at it.

It is engaging, if a bit tragic, to whirl mentally around the cycle of alleged prison reform. Three decades back the would-be bellwether was going strong for straight-out trade teaching with part processes eliminated,—and he was warm on the right scent. A decade farther on, he was trapped with the complex idea of padding the prisoner's virtues, palliating his faults, passing up exactions imposed upon him by a competitive social scheme, deleting all of effective disciplinary control of him, and paroling him on the strength of his conduct record, even though he had not made a saving bid for trades

and associated averages. To-day, he is for God only wots what. The writer would not risk an opinion, save that the panacea for crime is to so order society and prison regimes that it and they shall prescribe and proscribe to square with the instinctive reactions of by-choice criminals.

Having, at any rate, reduced in method at the prison end to the level of the parasital "pug-ugly," and in speech to his gutter "guff"; in the social sphere reached into thin air for fantasies of prevention and cure; and on the bench juggled the basic bones of criminal law, we have the product that always issues out of contact of extremes; which is to say specifically: a constantly mounting number of flippant, gun-hung thugs riding rough shod over sun-lit thoroughfares.

Just why the average lay reformer won't stick to the middle of the road but chooses to splash in the impossible going on either side is hard guessing, save so far as itch for applause and power of the ego-centric, or the projected vaporings of the idiosyncratic, explains.

Even so, commonly emphasized by settings, and lights, and individuals grouped for the effect sought, citizens who would abide by law needs must, in the end, demand balance sufficient to assure that diametrically opposed processes of training shall not fight each other in the same prison. Also, they will of necessity insist on the salting of "on honor"



banalities, carried to the mirth-provoking, and yielded, as it washes out inevitably, practically into the hands of the cunningest and most cruel of criminals; criminals who engineer closed schemes the like of which the government of the United States would not, for a moment, turn over for prosecution to West Point cadets, not a half dozen of whom, from 1804 on, have smirched the escutcheon of Alma Mater.

Much has been written betimes about "waves" of crime here and there in, or as common to, continental America. Many effusions have declined common-sense analysis, while hinting at the occult, or at least at the intangible.

Such soporific writing hasn't done and won't do. It hasn't and won't because the pendulum of crime, like all else here below, swings unerringly to effect from cause. The habitual thief never happens. The murderer always murders from motive, or motives, sufficient unto himself. But the last reason for either would involve syllabication of influences exerted upon him from the cradle up, say nothing of that which was born with him and buried with his ancestors.

Beyond question, the arc of the pendulum of the kind of crime that counts has steadily lengthened in America during recent years; but there has been, and there is, nothing abstruse about it.

Stripped of false analysis that has run to ver-

biage and buncombe, the brutal truth is that America has bid, put up, put down, and put through for the commission of crime. For one, cardinal thing, and from the early '80's on, particularly, she has put a constantly cheapening price on the taking of human life. That culmination is markedly chargeable to her having drawn the sting of certain of the enacting predicates of penal law; and that ominous procedure is nowhere more manifest than in prisons to which confirmed and capital criminals are "sentenced to hard labor," but wherein they do precious little of sweating while they thresh out old villainies and concoct new ones; thresh them out while they "fake" super-sentimentalists into the belief that they are consecrated to chimeras of reform.

So-called "waves" of crime are at bottom but logical expressions either of basic law unmade in the making of subsequent and nugatory laws, or of basic law rendered inoperative through loose, even maudlin application of it, in and out of prison.

An instance of the former is class legislation to which was lent Constitutional ukase for the "picket line." In very essence the picket line is the outpost of militant illegality, was meant to be by those who pressed for it, and must be reconsidered if Americans all are really to clasp hands for Constitutional Americanism.

An example of the latter, garnished for good measure with flowers and banquets for homicides, is:

But one of three murderers is brought to trial; but one of ten is convicted in the degree charged; and but one of eighty suffers the death penalty.

Even as to anti-social drives that may be charged in the broad to preparation for, and the events and aftermath of, the World War, naught is hidden beyond our ken; although many will not care to consider that war as literally thrust upon us because of reasons essentially the same as those which account for the bulk of current predatory crime committed in America.

As if to make binding the blockade against articulation of penal codes, Quixotic Wallingfords of reform dip the laudatory pen only for prison regimes that have been well-nigh stripped of fundamental reformatory means for combating the machinations of enemies of the social order. Such as trades teaching, scholastic instruction, military training that embraces benign body-building and mental quickening, mechanical drawing, classes in nature studies, U. S. history, economics, and elementary ethics, all must be refused, or so restricted as to be rendered comparatively useless.

And to feature what catholicons are natural reformatory measures damned with faintest of praise. Just to mention: (1) "Pug" Phelan besting "Kid" Connors in a wrestling bout. (2) "Slim" Stanowski dancing the latest abomination with "Wasco the Wop." (3) Baseball so arranged as to games and

"practice" of the institutional "nine," as to maim the daily working schedule, and distract the attention of the mass of lads supposed to be "set" at work in the shops and departments. (4) Moving pictures flashed for the effect desired by the depraved and obliquely-thinking, rather than to instruct, enlighten and ennoble. (5) Nigger minstrels with trend to the level of the lowest. (6) The drama staged to stress the predal felon meanly "pinched," then held under undue duress by stony-hearted hounds of the law.

As for that hated symbol of "repression," the badge of authority, why shouldn't hair-trigger foot-pads construe it a mark at which to shoot, when a cult of lay reformers contrive to belittle nearly all of correctional authority that declines compromise with criminal intent?

"Well, anyway, repression doesn't repress," rebut the cult, with a loosely-strung slogan that crosses the ever-recurring threat of punishment condign, by the Almighty, of mere carnal sin. Moreover, man is "repressed" automatically out of the very law of his being. He pays as he goes, both with physical and mental pain, for his excesses. So Nature schools him for selection of essential values. Did she not do so, destructive metabolism had done for him,—ages ago.

Coming down closely to day and date, how other than through application of the last of "repress-

sion" could Germany's iron heel have been kept off of the necks of nations?

Reducing to the specific domain, one is naturally stupefied by finite achievement that affords Cons. "Knockout" Klein opportunity to batter recognition out of the countenance of Cons. "Bull" Brown, called "Nig," for short; yet one clings to the conviction that expressions of the kind initiate in regressive reasoning of the nature which held the German student not to "belong," until his face, or neck, or both, bore cicatrized evidence of the cunning of the sword arm of his student adversary.

Sifting to the bottom of a bad business, we disclose the usual, deadly contrast, *viz.*, self-declared æsthetes of reform planning prison activities that serve to establish the instinctive blood spilling brute; activities that operate as well to break continuity of rational thought and endeavor, and to groove lads for intrinsic fallacies that finally obsess them and leave them with marked distaste for worthy work. And think on it how little of encouragement the average free-life lad needs to go stumbling along the wrong sporting pike!

November 11th, 1815, Schopenhauer wrote to Goethe: "But most of us carry in our hearts the Jocasta, who begs Œdipus for God's sake not to enquire further; and we give way to her, and that is the reason why philosophy stands where it does."

Fit the above in application to public indifference

to, and neglect of, the crime peril; do it in the broad to embrace moral crime, which is the meanest and most far-reaching of crime, and you cover the bulk of primary causes for anti-social expression.

Penal codes are not self-operative. Unless backed by alert public support, criminal law especially reduces to the service of the atrophying muscle.

When and where the public will is expressed but sporadically and lamely, if at all, either to make public servants answerable; or to hold up the hands of the police division in its attempt to enforce the law, then and there the dirty-dollar demagogue will employ such tools as spurious officers of the peace to play fast and loose with criminals of all grades.

Hence it is, cardinally, that the ranks of hold-up desperados are constantly recruited, and that they wait neither upon night nor the be-badged. Hence it is that even the gamest and best of the latter shunt the issue of automatic to automatic with the former. And hence it is that homicidal crime is ruthlessly and flippantly perpetrated in America, and there approaches the level that obtains in Soviet Russia; indeed, people for people and the average degree of their cultivation, legal instrument for legal instrument, material condition for material condition, and opportunity for opportunity, Russians are less to blame for the chaos into which they have been thrown, than are Americans for taking on,

step by step and sheep-like, much the same as the present, Russian standard of government.

Hyperbole? Ask any conscientious patrolman who would care to do his whole duty in any one of the crime centers of the land. Ask him if he isn't ever conscious of nearly prohibitive odds hung up against him in favor of the murderous parasite? Ask him if, at any time or place, he feels free to protect himself and society in agreement with the palpable meaning of legal prescriptions to which it is mandatory upon him to lend force under his oath of office? Ask any magistrate who sits on the criminal bench to mete out equal justice, immune to criminal cunning and girlish gush. Ask any criminal lawyer of long standing and public repute for plumbing at once to the heart of things? Ask any active agent of the Secret Service, or any man who has given of consecrated effort for nearly a lifetime to the sin-driven, while breaking bread with them? Ask all why, fundamentally, a country that is uniquely well-ordered from the standpoint of constitutional law has to answer first off to itself for its criminals of all classes, and note substantial agreement, one with the other, of the replies.

But driving Jocastas to the bald, ugly truth would be to disclose society's passive participation in common and uncommon rascality. That would take the edge off of dollar-making and pleasure-seeking, and put it on a sustained drive, all and

together, for upstanding citizenship. And that would involve a whole lot of individual and collective trouble, long-drawn-out; for you can not heal the running sores of a nation in a fortnight.

Of course the predatory criminal is all-pervasive, from the personal pocketbook, up and down; his shadow reaches to every human hearth; but to the unthinking many he seems far removed; and it is so much less pother to "view with alarm," whereas, resolve,—and "pass up the buck."

Therefore the bulk of going specifications for social and prison betterment have been drawn by camp followers who trek for spoils, and the devil decide the issue of battle: or by overwrought ego-centrists who spurn the cumulative experiences of men and nations, while they essay reversal of irreversible laws, both human and divine.

Result? Spread any metropolitan daily, any day, and its flare-type captions will give indubitable answer; answer that can not be amplified in a brochure, but that can be put in a comparative word with statistics which adumbrate a constantly lowering national fibre and tone.

Mr. Raymond B. Fosdick, Chairman of the Commission on Training Camp Activities of the War and Navy Departments, and under-Secretary-General of the League of Nations during the World War, turns the trick in an article published in a late Sunday edition of the *New York Times*.



Aside from the fact of Mr. Fosdick's refreshingly sound and cogent conclusions, his statistics, compiled for the Bureau of Social Hygiene, are specifically the most intelligently comprehensive that have been assembled, to our knowledge, by an American. They are quoted in full, that they may carry for their exceeding synthetic value:

"Preponderance of crime in this country is augmented by unassimilated or poorly assimilated races.

"It must not be supposed, however, that our foreign and colored population is the sole cause of our excessive crime rate. If the offences of our foreign and colored races were stricken from the calculation, our crime record will still greatly exceed the record of Western Europe. With all its kindness and good nature, the temper of our communities contains a strong strain of violence. We condone violence and shirk its punishment. We lack a high instinct for order. We lack a sense of the dignity of obedience to restraint which is demanded for the common good. We lack a certain respect for our own security and the terms upon which civilized communities keep the peace.

"As to the fact of our excessive criminality, the statistics furnish startling evidence. London in 1916, with a population of 7,250,000, had nine premeditated murders. Chicago, one-third the size of London, in the same period had 105, nearly twelve times London's total. In the year 1916, indeed—

and it was not an exceptional year—Chicago with its 2,500,000 people had twenty more murders than the whole of England and Wales put together with their 38,000,000 people.

“The Chicago murders during this year total one more than London had during the five-year period from 1910 to 1914, inclusive. In 1917 Chicago had ten more murders than the whole of England and Wales and four more murders than all England, Wales and Scotland. In 1918 Chicago had fourteen more murders than England and Wales. In 1919 the number of murders in Chicago was almost exactly six times the number committed in London.

“New York City in 1916 had exactly six times the number of homicides (murder and manslaughter) that London had for the same year, and only ten less homicides than all of England and Wales. In 1917 New York had six times more homicides than London, and exceeded the total homicides of England and Wales by fifty-six.

“In 1918 New York had six times more homicides than London, and exceeded the total homicides of England and Wales by sixty-seven. This contrast cannot be attributed to the peculiar conditions in London induced by the war. In each of the years from 1914 to 1918, inclusive, New York had more homicides than occurred in London during any three-year period previous to the outbreak of the war in 1914.

"Statistics of this kind could be multiplied at length. In the three-year period, 1916-1918, inclusive, Glasgow had 38 homicides; Philadelphia, which is only a trifle larger, had during this same period 281. Liverpool and St. Louis are approximately the same size; in 1915 St. Louis had eleven times the number of homicides that Liverpool had, and in 1916 eight times the number. Los Angeles, one-twentieth the size of London, had two more homicides in 1916 than London had for the same period; in 1917 she had ten more than London had. Cleveland, Ohio, one-tenth the size of London, had more than three times the number of homicides in 1917 and approximately twice the number in 1918.

"Equally significant is the comparison of burglary statistics between Great Britain and the United States. In 1915, for example, New York City had approximately eight times as many burglaries as London had in the same period, and nearly twice the number of burglaries reported in all England and Wales. In 1917 New York had four times as many burglaries as London, and approximately the same number as occurred in England and Wales. In 1918 the burglaries which the police reported in New York were approximately two and a half times those in London.

"While war conditions undoubtedly served to heighten this contrast, they were by no means entirely responsible for it; in 1915 New York City

had more burglaries than occurred in all England and Wales in 1911, 1912 or 1913. Chicago in 1916 had 532 more burglaries than London; in 1917, 3,459 more; in 1918, 866 more, and in 1919, 2,146 more.

"Even more startling are the statistics of robbery. New York City in 1915 reported 838 robberies and assaults with intent to rob where London had 20, and England, Wales and Scotland together had 102. In 1916 New York had 886 such crimes to London's 38, while England, Wales and Scotland reported 233.

"In 1918 New York had 849, while London had 63 and England and Wales had 100. In each of the four years from 1915 to 1918, inclusive, New York City had from four to five times more robberies than occurred in all England and Wales in any one of the five years preceding the war.

"Practically the same proportion exists between Chicago's robberies and those in Great Britain. Washington, D. C., in 1916 had four times the number of robberies that London reported; in 1917 three times the number, and in 1918 one and one-half times the number. Los Angeles in 1916 had 64 more robberies than all of England, Wales and Scotland put together; in 1917 she had 126 more than these three countries."

In a syndicated article sent out within the month by the Public Ledger Company, ex-President Wil-

liam H. Taft sums up the case baldly in this sentence:

"There is no opportunity of reform so great and no need of reform so crying as the change of our procedure in the prosecution of criminals." The word "prosecution" carries just social reprisal for felonious crime, inclusive of common-sense correctional methods following upon the sentence.

But read it not so to *crème-de-mint* criminologists. Mr. Fosdick's facts, "hard" as Gradgrind would have had them, cut no swath in the minds of members of the esoteric swivel-chair corps. The ex-President's conclusions are to be taken in reverse of the meaning given them. Criminals are rampant in America, and crime at once a national curse and menace, because purblind mortals fail on the one hand to meet hyenaized conduct through agencies cousin-german to those employed by "Mollie Make-Believe"; and, on the other hand, to capitalize the habits of thought and action of the blood-letting brute. "Scrambled" processes of intellection, again.

The finishing touches are given self-determined law-breakers while they are being railroaded through conglomerate regimes of reform; regimes so ordered as to fight themselves all of the way, and to doom an increasing percentage of their charges for free-life failure, in that they are taught not enough of any one thing to establish them with the most me-

diocre of skill in a market normally competitive to the point of elimination.

All of which certainly "represses" the crowded-out derelict and causes him to have recourse to the like of the caveman's working tools.

Here, a trades-scholastic-military regime is turned onto its head and held up, just at the wrong time, in impossible attempt to mix farming with the institutional broth. There, looms a wrongly-placed agricultural plant, at which no better than rudimentary farming is taught lads, at least ninety-five out of the hundred of whom are city-bred, and who wouldn't work a farm for a living if offered, gratis, a quit-claim deed to it. In between are all grades of "rob Peter to pay Paul" schools of correction. At the end, convict prisons run particularly at present to psycho-analysis (the latest fad, essentially at the mercy of criminal cunning, and very far from being established by its sponsors with paired ideas that are mutually antagonistic), Welfare Leagues managed, as it so frequently eventuates, by the most heartless of subterranean crooks, and road-building, which can hold but a negligible minority of those tentatively employed at it, which as ordered is not economical in the final analysis, and which distinctly disturbs the endeavors of the mass in order specially to employ the few.

Then intersperse freely with banalities that viti-

ate, and sport outraged that brutalizes, and you have the body of the brief against reformatory bungling.

Having drifted supinely with the criminal tide and with those who have affected to correct the criminal with such as impracticable fads that reach to fantasy, if not beyond the pigeon-hole; platitudinous piffle; kindergarten reasoning with curriculums to match; and bestial bull-play reenforced by associate imagery and amusement that disintegrate the last reformatory thought or process: and now that in consequence the acts of a swelling host of broad-day bandits are murderously directed the more and more against the common purse; that even the long arm of Uncle Sam is held in contempt by rapid-fire marauders, perhaps it will occur to the average citizen that if legal "repression doesn't repress" in America, he better get busy and lend a hand at making it do so.

Rightly enough, however, to a degree, your true American cannot be moved to act by mere destructive criticism. Could he, we should have long ago been most unfortunately embroiled with England, over Ireland's case. But crime in America knocks at every man's door; knocks, if with no more serious menace than through a constantly increasing individual tax, direct or indirect, for the apprehension, conviction, upkeep, and safekeeping of offenders against the public law; the last item of which is

become, in itself, an indefensible offense against the public pocketbook, the public safety, and the spirit and intent of penal law.

If for no other reason than that escapes positively disarrange the machinery of a correctional plant, while they switch the minds of inmates from rational endeavor to deviltry, they should be prevented. True, prisoners will now and then either outwit the authorities, or catch them napping; but to place ways and means of escape within easy reach, as is done commonly, is to edge dangerously close to criminal participation.

In any event, the apprehension of an escaped felon should be made practically inevitable, and the terms of his original sentence to amerce with a fine of time to cover the outlay for his apprehension, the act itself, and the circumstances included within the act,—such, for instance, as murderous assault. And recollect that the escaped or escaping criminal may very well be the most desperately dangerous criminal at large.

A few prisons and reformatories in the United States are relatively well-run; but nearly all of them are tainted with the corrosive touch of the socially-blinkered dilettante, who aims to confirm a grip on correctional endeavor in toto, albeit his passing is demanded by every fact and figure that shadows forth false method.



The ominous result of obliquely-thought-out meddling with a great and grave work is precisely this: The burden of the fight with the predatory felon has been transferred from within prison walls to pedestrian-paced thoroughfares where, under circumstances hereinbefore named, he stands the best chance of "getting away with it" and making his "getaway." Just so criminals have planned, while cunningly pulling the wool over the eyes of many whose earnest, self-sacrificing efforts were worthy of a rich reward.

Beginning at the beginning of recommendations for amendment and repair, the first stroke must be to hold appointing powers to appoint neither the single-seeing extremist nor his antithesis as member of boards of managers of correctional institutions.

The super-emotional visionary, and the hard-shell who wouldn't know what to do with a human heart throb should one hit him, are alike taboo. In the first place, they cannot be made to connect up for the common good; and, secondly, both are unfitted by nature either to prescribe or proscribe where criminals compound. The one will see in the hardened offender but a human heart side-tracked; the other but birch and bar for him who may not, at the moment, be moved actually by anything on earth this side of the kindest of paternal approach and

attack. Neither, of his own aiming, would bite the bull's-eye of synthesized reformatory practice in a thousand years.

The next, necessary procedure is to lift prison management, trunk and branch, out of politics. A work which involves formation and reformation of human character, and which begins where the Christ left it on the Cross, has no place for the wire-pulling politician and his head-felling axe. If there is an office on earth where the right man in place should feel secure to work out the most complex of problems in accordance with the best light to be had, it is that of the head of a house of correction; indeed, the time is not far distant when such heads will rank in the public mind with active heads of the advanced institutions of learning of the land. They will be so ranked because they will have to be, with pay, in order to fill a bulking order.

Then induce practical men who have had to think and act, from the ground up, with for and against all kinds of humans, to engage on managing boards for fellows who have to be made over from the ground up; fellows who can not be socially rehabilitated through working from the clouds down, try how you will.

Gentlemen who wouldn't think it sacrilege to name them the chosen of the Lord to lead in prison management tell a different tale; but the story halts here, as it must on high, with a cross-mixture of

brute and Bunthorneism that has least of all things to do with the social reclamation of the recidivistic felon. The repeating criminal is the nucleus of the crime problem, and the deduction is inescapable.

And then, in and for prisons and reformatories, carry on substantially like this:

(1) Classify and locate the institution to agree with the kind of work for which it is designed and equipped. For examples: Situate farm-prisons in the center of the most productive of farming areas; place trades-scholastic-military plants nearly equidistant from the big cities of the State, favoring the capital city thereof. Thereby the cost of transportation of prisoners to prisons, and therefrom to the destinations of the paroled, would be minimized.

It is a nice question as to whether or no the man on parole should be returned immediately to the locality of his comradeship in law-breaking. However, home is home, dear ones are dear to all. Probably the sane view is that if such considerations would make but tentative appeal in a given case, our man would go where he listed anyway, and rules governing parole go hang; in fact, it so comes out frequently in the parole wash.

(2) Whatever the intrinsic character of the institution, and it should have and maintain intrinsic character, run it absolutely true to its name. If, for a third example, it is even the one "short-time" con-

vict prison from which prisoners are to be employed on the public highways at road-building and the like, man and equip it throughout for the specific work in hand.

For this prison, a central location should be chosen within easiest reach of supply service of related supplies. Transportation of men and ordinary paraphernalia for work to be made by auto-trucks specially designed for the purpose. Then pitch tents, make camp, and go to it.

Inside activities should complement those of the outside in such as bricklaying, stone-cutting, lathing, plastering, grading, shoring, ditch-building, practical instruction in concrete construction of all kinds, and in road-building to embrace all of its more common difficulties, inclusive of pontoon construction. Bind the parts with elementary courses in draftsmanship and surveying, and in applied mathematics for those able to reach thereto.

Instructors should be expert in their line, and keen-sighted camp guards most carefully chosen, first, for their natural ability to handle men without serious friction, and, second, for a saving knowledge of the kind of work they are to supervise.

Reduce traffic of prisoners from the inside out and the outside in, to the last, essential trip, either by individuals or in group.

Elopements should be prevented at all hazards.

When consummated, they should be construed and handled as specified.

(8) Hold to the cardinal purpose of the plan. If the plan is to turn out well-advanced artisans and office men such as bookkeepers and stenographers, stick to the specific last. Refuse all of pattering with activities that cross the plan. At agricultural prisons, let intensive scientific farming hold the boards to the exclusion of all else save common schooling, the blacksmith shop, and a common-repair shop where instruction is given in the handling of machines and tools with which the successful farmer must be familiar.

Ready objection to the effect that such a scheme would be non-economical will not hold water. In the first place, a mixed prison,—say farm and industrial,—pays better than dollar for dollar as compared with open-market buying for its home-grown farm products. Secondly, actually “intensive and scientific” farming by the State would yield quantitative and qualitative results now approached but in isolated instances. And, thirdly, and most important, means cannot be devised by which activities that are diametrically opposed, both in principle and execution, can be made to complement each other in the same prison, either for reformation, or, in the final reckoning, for monetary profit. Dairying alone is perhaps defensible, under special and

unusually favorable conditions, as a detached arm of a walled plant; even so, it should be prosecuted by those housed, fed and schooled in buildings built without the walls.

(4) Having fitted the institution for the man, fit the man to the institution. Beginning at the beginning again, sentence habituals to prisons of last resort and hold them there as specified in preceding paragraphs, under piece work, the proceeds issuing from which should at least cover the cost of their upkeep. Commit city-bred lads to industrial reformatories classified from first-offending up to the next to the convict prison. Reserve farm-prisons for those who will elect to pursue farming for at least one year after parole. Send to "short-term" prisons habitual rounders who commit crime occasionally not because they are instinctively criminal, but for the reason that they are natural drones who have nothing commanding at their finger tips, or in their brains, with which to *do*.

Barring habitual and capital criminals from the consideration, some latitude should be allowed the convicted felon as to selection of the correctional institution to which he is to be committed; but his choice should be substantially made and he held to it through all of ordinary circumstance. Transfers from prison to prison are expensive, and positively disruptive at both ends,—say nothing of the fact that an unskilled man will get nowhere fitting about

like a butterfly, as those do who are struck with the wanderlust, and misbehave purposely in order to get transferred.

In any case, the religious aim should be to hold a prison intact in the prosecution of its essential curriculum. Nothing can be gained through composite instruction the parts of which do not gibe, and cannot be made to do so. You can buy a gilded imitation of most any little article in a department store; but if you want a bauble of intrinsic worth, no matter how small, you will have to pay for it where it is sold.

(5) Select lay managers from territory immediately contiguous to the plants, and select them for their natural fitness for the specific management. For a farm-prison, for example, could one name a better managerial staff than the most intelligent of up-to-date farmers? How many farmers are on farm-prison boards?

So local pride in good management should count, and the totally unnecessary long-haul railroad fares and associate expenses for board members and visiting parents, should be, in the main, eliminated. In the latter instance the drag is almost always on a pitifully lean purse.

(6) Within the body of the plant, hold prisoners to concentrated effort consecutively put forth. Desire for change and variety, common to all, should be discouraged consistently. Once a lad shall have

selected his trade or occupation, or he is assigned to it on the strength of all of visible signs, more than a mere hankering for novelty should be demanded of him before a change in his daily working schedule is effected. Just here is where the lamest of compromise is struck with the lamest of lads; lamest because they are utterly unskilled, while swayed by the instincts of the romany. Hence they bend grudgingly to the common will, and resist rightly-ordered endeavor; and hence they must be held to the reverse of their natural predilections, else by example and suggestion they will carry those predilections to and through the mass.

It is easier than picking plums to "get along" with such men; no effort whatsoever is required. Just let them will, say through a chosen junta of fellow-prisoners, practically as to how they shall or shall not run to rope under a schedule of low-down sport and amusement that appeals to the instinctively brutal and depraved, and they will breeze along in a seemingly lamb-like atmosphere. In very fact, piece-work quantitative production may go up under such comparative expression of free will, which carries, of course, crass chatter charged with criminal schemes. But don't crowd for actual, qualitative, reformative averages at any spot or place, or the house disciplinarian will be putting in half-time overtime.

Again destructive propagandists will deny,—in



the face of a parole record the truth concerning which cannot be expunged from Mr. Fosdick's figures, assembled in deadly contrast, and verified, daily, by the capital type of the public press.

What wants to sink into the public mind is: that the submerged fraction of habitual criminals always constitute the kernel of the crime problem in America; that fly-by-night schemes of reform leave them socially dispossessed; and that prison pussyfooting makes the same impression upon the ninety-and-nine of them, as does water on a duck's back. They may take a sparing dip here or ostensibly immerse there, but nearly always with ulterior design tacked to visions of an early parole to a more fortuitous swing around the criminal circle. Therefore their sentences should be nothing other than indeterminate, their paroles contingent upon the manner in which they react to fundamental reformatory processes, and their conduct records considered as bearing but incidental relation to their fitness for free-life intercourse.

The last two counts have been reversed in order of importance in most of prison management. Hence, largely, it is that the American recidivistic criminal long ago wrested the palm from the Apache of the Paris boulevard, and holds, unchallenged, all of the world's criminal records for his class.

Let it also sink into the public consciousness that fulsome praise of a given prison regime by actual

criminals leaves that regime at once suspect. Wherever consistent endeavor is given over to basic reformatory activities, there more or less of a fight is ever on with the by-choice predatory felon; how much of a fight, and for how long, will depend upon all-around conditions and circumstances which can not be enlarged upon here. True, with equal justice meted out to all in a paternal spirit, the bulk of instinctive agitators soon find themselves so greatly in the minority as to make mock-heroics hardly worth while; but the fight is ever on.

Those who refuse to adjust should be promptly isolated and kept isolated, while treated purely as the individuals they are, until they shall have given evidence fairly presumptive of their determination to do it the State's way. Thereof there must be no ruthless brutality; not any of heaping reprisal; much of kindly, long-suffering patience; but not an iota of compromise with evil intent out of an evil heart.

The best of tools for the work, human and material, are presupposed. The present "penny wise, pound foolish" policy of skimping correctional plants in the matter of handicraft and other necessities simply means that the work must be done but badly, at the best. That means non-reformation; and that means doing it "over and over again," and then again, which, in every way, is the most expensive way.

Whether or no the American people shall be brought quickly, as quickly they must, to knowledge of the fact that the crime peril is the extremest of all perils confronting them, remains with the people themselves. It can not be shifted much longer onto the unsupported shoulders of agents of the law; and it can not be solved by emotionalists, blinkered, save for short-sighted single-seeing.

Compared with even so vital a question as the immigration question, the crime question stands as mountain to mound. There is nothing for it, first off, but to reestablish the mighty dignity of the general law. Palpably, the places to begin that belated chore are in the courts and prisons of the land. Otherwise, lawlessness will give America, as it gave all other one-time capital nations, the final shove over the brink.

We employ the term "prisoner" as signifying one deprived of liberty for having committed a felonious offense against the public law. So much, no more, of stigma is the term meant to carry.

## CHAPTER VI

### THE SPORTING INSTINCT RUN MAD

Writing on sports, one can easily take to shallow water. If he would hold off the huntsman who stalks him while he breathes, man must exercise in the wide open. There he shall not improve on a full-swing cross-country jaunt with a lilt of a loping run, on the toes, over the level.

Assuming the heart to be young, several out-of-door sports will serve, though none are so beneficial as the natural, evenly-balanced, two-sided motions, such as walking, running, rowing, skating, and swimming in free air.

Swimming is excellent exercise. The mild shock given the periphery nerves and by them communicated to their centers is stimulating. The mean temperature of the body is maintained. Accelerated renovation is assured. And the benefit is positive to the nude body from sun and air bath, while the skin does its full one-fortieth of breathing. Therefore the movement to require of pupils of female colleges that they shall win their swimming diplomas has significance no less than to conduce for longevity.

Indoor sports are but makeshifts compared with body-free exercise out-of-doors. They are run off in a fetid atmosphere usually charged with the fumes of tobacco. That engenders breathing through the mouth; that tends to become habitual; and that initiates irritation in the bronchial tubes, promotes catarrhal conditions throughout the respiratory tract, and may aggravate a tendency to serious organic trouble.

The first duty of man unto himself is to set apart a period of each day in which to clasp the healing hand of Nature. The one who feels whole will most likely see whole and make the best use of himself.

To object that his residence is twenty minutes from his business does not excuse a man for neglecting the call of his muscles. It does cause him to yield to inertia. That yielding holds him to a seat. His physical needs wax insistent, but he shrinks from a blessed ten-block walk.

There is a vast gap between indifferent movements about a stuffy department, and legging it freely in the sunlight. The man bound down to a sedentary pursuit knows timorous exercise won't tone him up, but habit has him stalled. And so, out of specious laziness, our man reaches the final compromise: he will pay professionals to set him in motion.

A Dervish dance done in the grand stand is good, in so far as it gets a young fellow into the free air

and sunshine; but it will not take him far unless he gets too close to the sporting fraternity, when his thinking and doing will be grooved along constricted lines running to crooked curves. So be it such as the "ponies," or a deck of cards, hurry his blood, he is heading to land hard. Once the casting of lots clutches him, not the sorrow-shot eyes of his mother will stop him; nor will the tear-washed face of his wife, fated for long-suffering, since the tyro has no more chance to hold his own with gamblers at their games than has a spider's thread in a sixty-mile gale.

Gamblers and keepers of bawdy houses commonly work hand in glove. The latter as commonly "stake" the former in lean times. Hence the little the gambler leaves the novice is often "steered" into the purse of the prostitute. Therefore one reason why so many criminals who were first grubbing gamblers are diseased, or sterile, or both; and therefore much of woman's life-long suffering, and so many babes who carry marks made by Moloch's branding iron.

Figured out, it is clear enough. Professional gamblers produce nothing. They are parasites who live on the earnings of others. They *must* win over and above drains on the purse such as for living expenses, transportation, room rent, fixtures, attendants, track privileges, paraphernalia, clerk hire, steerers, touts, and fillers-in. So much in sum total mulcted,

most of it, from thin wallets, would care for every unfortunate in the land.

And that is not to trace the gambler's unearned increment, the bulk of which circulates through channels where corrosive sin eats into flesh and soul. Nor does it dig to corruption funds with which trained-fingered gentry dog cupidity. It does not disclose how the weight of the gambler's influence, money and vote always operate to flaunt civic vice and graft. And it does not make a crude guess as to how many Americans have side-stepped morality under the cumulative pressure of gamesters' coin and wiles.

Many a poor devil has "done his short bit" in lieu of a longer prison term for which he knew he would have been "framed" and given over, had he "uncovered" higher-up spoilsmen. Many another hard-pressed under-dog has been kept under because the mother's voice in him would not hush while he was being harried to do dirty work.

Under heel or overlord; piker or plunger; whether he parts with pittance or patrimony, the most unsophisticated lay gamester has it he is "down on his luck." True for him, in the sense that Dame Chance returns but few consistent winners, and they of speed and stamina to stand a gruelling through the stretch; yet the fact remains that whatsoever he is "down" on, he is up against combination, con-

tusion, manipulation, inside information, and the law of averages.

While paying dearly along the route, our man gathers a modicum of the means by which lambs are clipped by crooks, but the partial awakening comes too late. Chaining him, the gaming habit has well nigh paralyzed his sense of proportion. Most all of life now centers on his mania to win. He has it! Yea, he will reave the reavers! How? Why with a "system," an "unbeatable" system, of course, for not thinking out and playing which he blames himself for having been so dull so long.

He admits grudgingly that the gambler's cumulative percentage expressed in his working tools is an item, but he can't make his figures lose. Are they not "different," in fact, unique? They are, if the acid test of play which bowled over thousands of expert craftsmen who elected to win with them makes them different. About that, the "bud" with the bit between his teeth hasn't been given the high sign. He won't be "let in" until he shall have taken his degrees in the guild, gambler knights whereof lend "a meaning all its own to every little movement." In any case, his deductions dovetail, and he rushes to "make a killing."

Were he not gaming-intoxicated, he would construe it suspicious that the successive "doubling" of his bets, which "sure-thing" systems involve as



a fundamental principle, does not feaze layers of odds, who still prod him to stake his pile on such as the turn of an ace. Or could he be satisfied to make a few lucky strokes, get even and quit, he might. Betimes the element of chance favors ponderously the rankest "outsider"; but this unit of a grand army has billed himself through for long-time, consecutive play. Hence, since the percentage in favor of the gambler's game is fixed and ultimately unbeatable, the end of the trail commonly breaks to penury, frequently to speculation, and, if the tenderfoot is also tender-skinned, while no plodder, then likely enough to a suicide's grave.

The trite saw, "A sucker is born every minute," was probably toothed by a gambler; a gambler whose mind localized the "easy mark" whip-sawed along the gambling course. Even at that the crass epigram but shadows forth an idea. It does not begin to cut to the bone. By and large, the minute-by-minute total in the United States of those who are destined to take anything from a nibble to hook, line and sinker of the gamester's cast won't fall far short of ten per cent of the whole.

Trace the trickster from leaning shack and "loaded" dice to inlaid floor and juggled stocks, bidding which while prancing on his toes, the margin between man and fool is usually in reverse ratio to the margin the bidder essays to carry. Then think on it that a goodly eighty per cent of the plucked

are money-minnows when not of the protrusile-lipped tribe, who need little of urging to grasp at get-something-for-nothing straws; wage-earners, salary dependents, struggling professionals, and young men who ought to be hard-set at winning honorable spurs.

Brokerage, alone, will eventually wipe out the small-fry margin operator, and the "rake-off" all the way down the line is relatively the same. Take any form it may, the insatiate maw of the "kitty" kills off the grubbing lay gamester; moreover, it would stall petty gamblers themselves were they not "staked" betimes by patricians of their class, to whom "setters-in" are useful in many subterranean ways. That is one reason why the cumulative skill and coin of the clan parasite is combined against the lay player. Should he get away with his own money often enough to count, say nothing of win, king-pin gamblers themselves would have to go to work.

A trio of examples will give an idea of the percentage in favor of the gambler's outfit in "straight" games: At roulette, it is 2.66 to 1; faro, about 60 to 40; dice, banked by the house, 3 to 2 plus the "cut," which is a small amount paid to the house by the player each time he wins, and which amounts in the aggregate to approximately five-thousand dollars per week for pretentious houses. But not more than one gambling house in twenty-five is run "on

the level," and that, as a rule, only in cities of the first class. In the rest, "transients" are "steered" to such as electrically-controlled roulette wheels, crooked poker games, sleight-of-hand faro dealers, "fixed" dice, and filched of their ducats.

A graphic description of confiscation might read, "trying to beat a gambler at his game." At the race track alone an unusually keen lay player who knows the route, horse and man, who "plays 'em easy," and with whom the breaks in luck abide, has a chance to cash in to the good at the end of extended play. Said a professional dealer of stud poker of years of experience to the writer: "I have run across only one gambling house which wanted an honest dealer."

With all given, consider that the gaming instinct is transmitted; is insidious and most tenacious; is interactive and all-pervasive while running to the bawd; is cumulative in its intensity, recklessness and brutality; is as strong in appeal as another; is swaying increasing thousands of men, women and youth on American soil, and you have a mouthful of explanation for hopples which college faculties are obliged to put on young bloods, whom the sporting instinct perverted and given free leg would else cheat of so much as a smattering of cheap culture.

Not all of progress resides in culture, nor of virtue in the bookworm; much of both depends upon

developed muscle and stamina; but not a cubit of either has to do with death on the athletic field.

It is freely denied, yet unfortunately true, that a type of student athlete cleaves by far too close to the bone-breaking gladiator. Moreover, the ex-booter, batter, and slugger who just skims through on his school marks is commonly wafted on a wave of enthusiasm to easy going in after-college life; whereas the serious scholar with serious aims usually has to creep warily in order first to secure, and then to hold down, a hard, meanly-paid job. That agrees with the sporting verities, but isn't it a bit tawdry, and very much overdone? Isn't it of the fundamental offices of education to sort values while it teaches a lad consideration for the rights and ribs of his fellows?

It is commonly wrung out in the social wringer that we place a ridiculously inflated valuation on the mere athlete whose mind runs to muscle and to monetary exploitation of muscle, developed and used to negative ends. That leverage accounts largely for loose cogs in the social conscience, such on the one hand as that clergymen of the State of Massachusetts of the Baptist faith were, at last accounts, paid the average, niggard salary of \$1.87 per day; and, on the other hand, that a pug-ugly demands and gets \$150,000, "win or lose," for a twenty-round attempt to batter recognition out of the countenance of another pug-ugly.

In other and pregnant words, for a few minutes of blood-spilling, a parasital brute has a higher market value than has the life-long labor of the average college-bred man of the cloth. Just that, every item of it; for it does but skim the surface of the tale, and does not salve the social wound to submit that the sporting fraternity put up the purses, to divide which distinguished pugs manœuvre to "fake it," even betimes as to capital ring battles.

The purses of the promoters of purses for punchers are fattened by whom?

Prize fights, and the feeders for prize fights which are soft-pedaled to the public as "athletic exhibitions," but which are plumb plain fistic brutalities pulled off in enclosures euphemistically called "Athletic Clubs," are patronized by whom? Those enclosures are given over to pugilism and the gambler by whom? By whom are the most of four-figure bets placed at the big layouts spread from boundary to boundary the country over? Brace after brace of mere "bantams" of boys are egged on to cut and slug each other while the blood streams from both, where and by whom?

It was but a few months since, and it was in an alleged bon-ton "Athletic Club," that five lads were "knocked out," nearly twice that many were disfigured to suit in from one to five "rounds," several other contests went to a "decision," the referee had to stop two bouts because one of the boys was too

badly beaten-up to go on, and one pigmy "resigned" rather than take more of cruel punishment. Mark it that many of the lads engaged were the offspring of the newly-naturalized; mere striplings they, exploited out of the finer sensibilities and sped on the road to degeneracy for the amusement of swallow-tail sports, by whom the majority of pugilistic abominations of the kind are sponsored and backed. By way of respite from indignation, mark it further with a laugh that nearly all of these same lads hailed either from Settlement House or Educational Alliance, whereof "Big Brothering of Boys" is touted as the singular, testamental card. We think no sacrilege while suggesting to gentlemen that they put it consistently and bluntly to their kid charges somewhat like this: Jab your way to Jesus.

Concerning a vicious business of which the shroud-wrapped victim is a fitting symbol, take note of blows planted "below the belt"; of broken hands, arms, noses and jaws; of compound facial disfigurement featured for life; of pivotal bones wrenched from their sockets; of eyesight impaired and imperiled; of eardrums put out of commission; and of internal injuries destined to rise up both to plague and to cut off mature years. Then give a sound reason why Americans should wink the nether eye at near-Neroism, while prating to the immigrant of American ideals; even pointing him to Holy Writ that partitions man's relation to man. Save the

mark! and save lads from guidance which gives them over to riotous expression of brutal instinct; the one instinct that calls above all others for curbing during the plastic period, because that instinct is at the bottom of all of war.

At any rate, since the eighteen-foot prize ring is at present a legalized, popularized, hero-producing American institution, it is rank injustice which holds for manslaughter a man who lands a "fair" if fatal blow within the roped arena, and at the same time sneezes at "foul" and fatal blows, planned and delivered within other sporting lines.

Again it will be denied, but any football alumnus will tell you if he tells you the whole truth, that he has heard the word passed to "get" troublesome "star" performers of opposing elevens. Of course the "get" was meant to mean no more than "put out of business." Even so, what more of fateful suggestion could be employed where young blood hurries, young heads don't think all the way, and iron muscles in giant frames are wielding tremendous driving power?

Like it or leave it, plain foul play at play is responsible for scores of slabs of sacrifice shot up in the graveyards of America, which symbols stand for the broken hearts of forbears who transmitted to their boys the land's best blood.

Shafts of cold marble here in little Elmira's "Woodlawn" tell of such tragedies. One of them

befell a proudly upstanding broth of a boy whose huge grasp smothered your hand while he flashed a smile that went straight to the heart. Six-foot-two erect as a spar he stood, building as the acorn builds. But they "got" him; got him at preparatory-school football; got him "below the belt"; got the red-red roses in his cheeks and left him with cancer, and the long roll beating in a heart that loved life dearly. The writer was wont to pass an occasional word with the lad, a more frequent one with his mother, the last with her in a trolley car months after the death of the boy. There, with tears dripping from drooping hopeless eyes to lips a-quiver, she just managed the half-whispered, half-aspirated plaint, "I shall never get over it,—never!"

Have you looked into such eyes and had words born of such bereavement branded on your memory? If you have you won't meet again with your own a like pair of eyes if you can avoid it; not, at least, until you shall have seen beyond a "sporting" nose that a sporting schedule outrages which delivers a broken lad on a stretcher from the field of recreation to his mother.

Another with whom the writer broke much bread was as finely a fibred, formed and featured a lad as ever trod a college campus. Him, a blue-eyed, peachy-skinned, golden-haired mother marked and crowned her very own and all. Scrupulously careful was he to yield breathing time to his adversary,



of whom he would have asked no odds had he been a seventh son of Ajax. Out of this lovable fellow they literally crushed life; wedged him head on between the pickets of an iron fence, and left him dangling there, limp and nearly lifeless, while temporary young maniacs howled, tore at, and disfigured each other over the possession of a walking stick. Since injury to the lad's splendid brain wrought irreparable ruin, it was a mercy to the mother that he did not open eyes charged with a horrible, bulging, fixed, and vacant stare.

And, mind you, wounds immediately calamitous constitute but a fraction of afflictions chargeable to a perversion of the rational purposes of sport. Injuries to vital organs which ring but tinkling, if any, bells, in the elastic young, but which carry morbidity that makes itself felt near the medial line, build the body of the brief against the natural "roughneck"; the same who stamps somewhat of his personality and more of his proclivities on his betters in school life; the same with whom lads who do not train foul blows ought not to be allowed to measure physical prowess; and the same would-be boss bull of the field with whom real culture is a side issue, and the opportunity to step lively to sporting prominence the underlying motive.

It is single-seeing error that puts the stamp of professionalism on sport that should be run to the good it can do. Considered just as sport, college

competitive sport will best serve the institution and the student when it shall enlist the full subjective efforts of the field tactician, and practically bar the human battering-ram.

One of the effects of the professional coach system is to accustom lads to have most of their field problems thought out for them. That is to limit individual and collective study, initiative, and resourcefulness which, given proper direction, would enhance rather than hamper team-play. It is also to take much of the tang out of victory, and to tempt the shifting of responsibility for well-earned defeat.

Another result is to discourage from the athletic field a vast number of the very ones who need most to take to and persist on that field, whether or no for competitive purposes; and they would, were not the processes of elimination thereof so exacting, albeit fallible, in the face of the fact that lads unfold differently in the matters of time and degree as pertains to dormant attributes of mind and muscle.

A vulgar case in point is that of the late middle-weight champion, "Kid" McCoy, who could have been hung on the ropes easily one year by young men who had to extend themselves to the limit to put a glove on him a year hence. McCoy had changed neither in weight, height nor reach. He had, in a few short months, of his own volition and "coaching," schooled his reflexes, feet and eyes to

do his bidding; that was all, but exactly to our liking here, since he was originally slow, lumbering, and a very poor judge of pace and distance. Moreover, McCoy was held lightly originally by sluggers, and their "trainers," who ostensibly represented the best pugilistic brains in the country; yet he won to the top over all by so wide a margin that he was conceded to be in a class by himself. While he was at his best, no man of his weight wanted his game who didn't need gate money. What self-coached college lads would *have* to do they would do, as did McCoy.

The professional coach is naught more awesome than the perfected pupil with ambition to excel and grit to back the ambition. Shall a lad not have been given the grit, the more reason to grind grit into him before he is ground in a crucible that reckes but little of choice, and less of the finer sensibilities. For that, however, he need neither grind with, nor be ground by, elbows, feet and fists; quite the contrary, in fact.

Still another consequence is to extract from the flavor with which lads should battle for themselves and for Alma Mater. For a Harvard eleven which sports a Yale coach to best a Yale eleven would leave something to be desired, would it not? It wouldn't be a totally significant Harvard victory, would it? Wouldn't it be far better to go down fighting all-Harvard from post to post, then pull on sweaters

and head for another and better planned and prepared try at it?

As concerns the fundamental purposes of competitive sport, what is the essential difference between victor and vanquished when the issue is decided by a last flash of gameness and skill? If, contrariwise, defeat comes to the outclassed, is not the subjective bearing of the case the more binding? Is it not one of the most serviceable precepts of pure sport which decides lads of *themselves* to search out and make use of lessons learned in defeat? Should they do so, would not victory swing back and forth to the most beneficial ends in accordance with the changing weight of influence?

A fourth indictment arraigns semi-professionalism for making light of the lunge of the young savage, coin of his characteristics, and the level of them the level of those of his schoolmates.

Whether lads are schooled in or allowed to drift into thuggish field assault is one in result and responsibility. The very term "coach" should impose the primary obligation to imbue pupils with rousing contempt for "roughhouse" tactics; and upon representatives of school authority the duty to watch it out at the side lines and insist upon that view, win or lose, under a professional coach or not.

Athletic success that savors of the morgue is a scandalous perversion of high potential for good. Simon-pure accidents are inseparable from the best-

regulated field of sport; but on such a field serious wounds will seldom befall.

Because standardized American amateur sport puts a premium on the sprouting roughneck and his spurious attack, it is that the bulk of the scars, limps, and insidious hidden lesions taken at that sport are indefensible. Bid, put up, put down, and educate for it; make brutal pawns in miniature war of lads at play, and what expect in full-blown war but all kinds of savagery, the meanest of which is a toss-up between that which resides in the bully's bones, and barter that dispossesses the one and enriches the other.

Hail, therefore, in the first instance, to German students who were held not to "belong" until their faces and necks bore cicatrized evidence of the cruel cunning of the sword arms of their adversaries; and, in the second instance, to Americans who sold shoes with pasteboard middle soles, to be worn by storm-driven and death-dealt French soldiers in the World War.

Facial disfigurement which issues from alleged play conceived in service to national ends is reactively bad enough, as Germany's present plight proves. But the impish trickster who defiles trans-oceanic trade with his pasteboard junk destined for the death-ridden in tempest! Shoddy stuff? Rather, and one reason why the Central Powers were so long at taking us seriously over the matter

of our intrinsic obligations. Having, as individuals, smeared out of our pots of paint, foreign peoples came to believe that sort of thing adumbrated our national character. Nations of first rank have done much more damnable thing than has our own; but it remained for psuedo-Americans to debase trade-mark on foreign-billed goods. By so much we deserve the dollar tag hung to us.

It would be informing, perhaps amaze, could we know to what extent spurious sport was primarily responsible for that tag, because: habits of thought and action formed in youth and young manhood tend strongly to mark the course of the individual throughout life. Layer upon layer within the brain of every man are action patterns which he would destroy, but which are there to stay, if happily under arrest.

And so, could we, we would take semi-professionalism by the scruff and yank it out of amateur sport; we would, because wheresoever that hydra-headed Lerna attaches, there safety sacrifices to speed and weight, principle to pocketbook, progress to victory, the game to the goal, and the cardinal interests of the mass to the cravings of a few for the sporting limelight. The first count of the foregoing paragraph is exemplified in this biographical item from the pen of an enthusiastic admirer of a "whale of a coach":

"And to see So-and-So sweeping down the field

at close to a ten-second gait with his 200 pounds of bone and muscle poised for a flying tackle was enough to worry the bravest back who ever essayed to catch a punt and avoid the charging end." Precisely! And "enough to worry" mothers whose "bravest" will be borne down by much greater weight, speed, agility, football cunning and coarseness of fibre than their own, employed by rubber-muscled, ox-boned, boiler-tubed young plungers keyed to the last pitch with their minds glued on the goal-post of their opponents. The same singular gifts that make players of the latter class so dangerous in attack, likewise hold them comparatively safe in defense; hence the biographer does not surprise, nor does he include in the statement that "So-and-So was never seriously injured." Could and would he tell how many lads So-and-So "seriously injured" under orders to "Tackle hard!" that would be at once informing and serviceable. And there is no getting away, all of the time, from the hard tackle. A lad can but take his medicine expressed in the cumulative odds against him, or stand convicted by his school mates a tin sport and a welsher. Anything but that for a game athlete; therefore broken bones, broken hearts, and baleful kinks in kinetic organisms.

Run to open play with interference, football carries menace to spare; run mainly to the mangling mass reminiscent of the heaped dead at salient points on a battlefield, the game is a reversion to instinct

more barbarous than that which inspired Indian gauntlet lines purposed to test the stamina of sprouting "braves." It is more brutal because the Indian lad's last sign of distress was heeded; whereas the stretched-out American lad can't make that sign from under, in very fact may never again flex a muscle, and the writhing lad, likewise placed, won't make it.

Thereto hangs a nasty, near-sighted tale, concerning which Tetrarchs of sport would have us believe that the lad is deprived who is not slammed and banged all over the lot. Quite to the contrary, acquittal is not possible for method of play that results in something like a pyramided half-ton of impacted flesh and bone at nearly every attempt to gain ground. Under the law of averages, the thing works out mathematically thus: Resulting injury equals the physical resistance at a given point of contact, of a given individual, at a given time, to mass multiplied by momentum.

Were the disciplinary officer of a reformatory allowed to inflict upon the persons of hundreds of inmates a year's total of corporal punishment equal to that often visited upon a single lad in a single football game, he would be haled before high Heaven as an instinctive brute, to whom the hardening process had done its worst. Further, and to our knowledge, some who would persist in the haling have taught young Titans to "Tackle *hard!*"

If there is essential difference as between the



imaginary and actual case stated, does it not reside in the motive? If the difference does reside in the motive, does not the greater blame attach to the lesser necessity?

English football was born in 1846, American football practically in 1876. While reliable data in connection therewith is not obtainable, little is risked in the opinion that more of fateful hurts have befallen on American than on English football fields.

"But," the common defense is framed, "consider the value of the 'hardening process' carried by the American game!" Decidedly! "Consider," by all means, inclusive of the unconscious lad; then consider from the viewpoint of parents in whom rights rest, and on whom duty is imposed; and then insist that tuition shall mean you intrust the whole of your lad, and not the mental half of him, to safe guidance.

Insist, too, that in the matter of prospective social service your one in college is worth at least three, on the average, in prison; and that study of the psychology and physiology of your lad is quite as incumbent upon his mentors and molders as are detached deductions concerning the mental, moral and physical attributes of fettered felons.

Undue restriction of individual initiative would be most ill-advised; yet true it is that down-to-the-ground study of the student can be made only where he studies, and of the criminal where he is confined.

On-the-spot operators trained for the business can best form or reform character. Robbing the student to pay the criminal does not serve the commonweal, and usually does deny the one in order to chase Will-o'-the-wisps of cure for the other.

In any event, institutions of learning may well curb the mental wanderlust of members of their staffs long enough to plan their curricula so that it will assure, in so far as objective prescriptions can, the physical well-being and safety of their charges. So much of local sociology is squarely up to college faculties the country over.

Had the University of Pennsylvania done so much in due time, the freshman William L. Lifson would not have been suffocated; nor would six other students have been seriously injured in a "bowl fight" had within the institutional confines a few months since. "Suffocated!" And out of brutifying of lads that ought not have been given a leg to stand on.

Public opinion will have pressed for progress when it shall have charged educators and penologists alike with the last responsibility for results within the natural boundaries of their efforts.

It is merely to crowd Washingtonian paraphrase to remind that a nation itself will usually neglect more important of its home affairs while meddling elsewhere; yet it goes far to explain why we are point to point with divers anarchistic manifestations within our own household. It also elucidates ominous

facts with their corollaries such as that the joint homicide-rate of thirty leading American cities for the decade 1885-1894 was 4.8, and for the decade 1905-1914 8.1, per 100,000 of population; which is to say: twenty-five-thousand more murders were committed during the latter than during the former decade.

While the above figures mark much of the aftermath of mad sport, they exclude the greater thousands of annual killings, an increasing minority of which reach into the domain of near disregard for human life. Such fatalities are due largely to perversion of the sporting instinct, or to suggestion that traces to that perversion. Killings and serious hurts taken on athletic fields are usually of the former class. Twenty-five per cent of the 100,000 land disasters of 1915, inclusive of traffic injuries, would probably tale off measurably with the second specification. A positive number of the 1915 railroad accidents in which 8,000 were killed and nearly 200,000 injured reduce to part neglect superinduced by that which locks arms in measure with the sporting life. Sport-suggested speed frenzy alone is a growing menace which serves no necessity and conserves neither health nor happiness. It would be pertinent, if grewsome, could we reach to the sporting roots of the 15,800 suicides for 1915; also, to the same roots of defalcations in the sum of \$5,592,693 for that year.

The worst done to the average of its victims by overdone sport at school is thusly classified in the interest of proper sequence:

(1) It motives lads to pull with their parents for institutions at which they can put forth the most of sporting effort, and the least of real try for a rational culture. That the pull is potent, if masked, argues ill for their term marks. A militant minority of such lads always confront the faculties of institutions of learning that count most.

A positive number of ex-college sports have swung long arms; swung them, in effect, to establish the unlettered wastrel. Otherwise it would not be that 85 out of every 100 men in the country earn less than \$18.00 each week in normal times; and that 95 out of every 100 are but six months from the poorhouse at 65.

Did college training market in America in the large by right of its intrinsic worth, it would inspire thousands of side-tracked lads to stroke to its oar; lads, a very great many of whom read with the graduated college sport for mediocre mental equipment. That is a supreme pity where preparedness can look up under educational facilities that are as well-balanced as any; where books on nearly all subjects issue from college libraries; and where the demand is ever increasingly keen for the man that knows.

On the other hand, it is often with the college

lad, as with the imprisoned felon, not so much what he takes on, as what of pernicious habit he casts off under schooling. The reference is to the parent-made sporting rounder and dead-beat whom college authorities should hold to the honor mark as to those things which adorn his person, for which he would "hang up" college-town merchants. When he can't be so held he should be shipped home with advice to his parents to start him again from that mark. So college atmosphere would be clarified, and parents impressed with the danger of paying out endless sporting slack to lads.

Dr. Charles Alexander, President of Union College, Schenectady, N. Y., flails those who build and abet students of the extreme sporting stripe. The Doctor specifically denounces football run amuck, but his words are thusly charged with the broader condemnation:

"The football situation in most colleges is disgraceful. It is the worst abuse of the modern college system. Fathers and mothers allow their sons to be exploited in the arena for profit like circus performers or vaudeville actors. Academies are scraped for athletic material, and inducements of all kinds are offered to promising athletes. The men who go into football are *driven and coached under the professional system* until they have no time for study. They have no time for anything but athletics."

Dr. Alexander's voice is neither singular nor strident. Educators the land over know the problem as he knows it. Many have spoken as he spoke at Chicago. More have ducked the swing of the aforesaid "long arms." A few still press for sporting bulls to charge educational china shops. The last should fit the vocation to the idea: say as prize ring referees, acting in which capacity they would not prostitute a sacred calling for a cheap popularity.

(2) It cheats students of time and taste for study; and taste for study, like a palate for olives, is mostly acquired. The average lad will not know it until knowledge won shall have born in him a desire for more knowledge. A student won't cache much out of books that will assure him in man's best estate, while his affections are given over wholly to sport and to the vitiating by-products of sport. The same is true of book learning and bench practice for imprisoned felons.

(3) It grounds students in a grossly exaggerated idea of its importance in the earthly scheme, and of the actual worth of those who are wedded to it. The bulk of employers would rather know that a man had not essayed any form of competitive sport at college, than that he had been ridden by it there. Exceptions rest to a man with alumni employers whose comparative growth even the sporting "bug" could not stunt; and precious few of the latter are mentioned for contribution to human progress.

No matter what direction it may take, after-college sporting "pull" can't reimburse a sport-robbed student. It certainly won't be likely to add a jot to his intrinsic quality, or to his sustained efforts in pursuit of big things. Therefore it can be argued stiffly that mere cognizance of such a pull operates as a drag alike on the institution and the student.

(4) It has haled to sporting lines multitudes of lads who ought not to have been allowed so much as a "try-out" at top speed or endurance; and multitudes more to competition which jeopardizes the stoutest heart and kinetic system vouchsafed man.

Authorities are nearly as one as to the damaging result that must obtain in all but schools in which athletes are most carefully selected, trained and supervised. That barely lets out the universities, plus an isolated college and preparatory school; high and grammar schools not at all.

Were perfect selection possible, and perfect training supervision universal, the length of the training season would still be impractical when not pernicious, in that it would maximize the consequence of sport and minimize the weight of study in the minds of the students actively engaged, as well as in the minds of the mass affected by suggestion and indirect participation.

Dr. George I. Moylan asserts that he "has never known a case of athletic heart at Columbia University which was caused by participation in college

sport"; but the Doctor's admission, "It is a very difficult matter to determine at just what point normal development ceases and abnormal development begins," leaves his assertion a bit short of ballast.

Heart trouble a-plenty may be heart trouble of form other than that diagnosed as "athletic heart"; it may also initiate in destructive athletic endeavor and for the time being defy detection. Again, the heart is not the only vital organ which is subject to over-stimulation and traumatism. Say nothing of the brain, lungs and kidneys, medical men are just getting a look-in at the ductless glands, to suspect that they mature with the heart at not less than the age of twenty, and that they should be favored rather than forced in young manhood.

Dr. Moylan's deduction, based on a study of college oarsmen extending back some years, to the effect: "They live longer than lots of healthy men accepted by life insurance companies," is neither inclusive nor conclusive. College watermen have been the physical cream of colleges. They should stand out in life insurance statistics by right of their natural grip on long life, tightened by their athletic training in college. They do no such thing for the same reason horsemen fight shy of colts that have been heart-exhausted; especially of those that have been heart-exhausted and beaten in a race. Furthermore, when colts are campaigned to extreme speed,



it is nearly always done at the expense of their breeding quality.

Some thirty-five years ago, the stewards of the Rochester, N. Y., Grand Circuit track hung up a \$10,000 free-for-all purse for stallions. The writer saw eight of the best young bluebloods of the day compete in a gruelling contest that went to the last heat allowable. Every inch of every heat was fought bitterly from wire to wire. Every horse put his last fraction of speed and stamina into the race. The sequel: Not one of those splendid animals set for himself thereafter a mark significantly lower than the lowest mark set in that race. What is more important, not one of them is registered the sire of a blue-ribboned performer, and there were never speedier, gamer, or grander young stallions than those which scored for the word in that race. Tempted by the size of the purse, their owners killed off in one race what their horses should have carried on to gradually, and what they should have transmitted.

Dr. Spaeth, coach of the Princeton navy, disagrees roundly with Dr. Moylan. Dr. Spaeth declares flatly: "No one can convince me that four miles of fast rowing does not affect the hearts of some men in the shell."

Intercollegiate rowing was abolished at the University of Wisconsin on the recommendation of its

medical faculty, because examination by that faculty of fifty-four typical cases of athleticitis disclosed in *every one* more or less of attack on the heart, or on the cardiac arteries. Surely Wisconsin would not have disbanded her navy could medical supervision have covered the dangers of long-distance rowing.

Let doctors disagree and cleave to the keenest of watermen: Coaches Jim Rice of Columbia, Jim Ten Eyck of Syracuse, and Harry Vail of Wisconsin, all speak out of the mouth of "Old Man" Courtney of Cornell, who had this among other things to say to a body of college alumni at Syracuse a few months before he died: "The four-mile race is a heart-breaker in fact and in figures. Five months of training is not enough to prevent college oarsmen from having hypertrophied hearts. I am convinced that training throughout the year would not eliminate the danger inevitable in a four-mile race."

The Intercollegiate Rowing Association has reduced the four-mile race tentatively by three-quarters of a mile. That is lame compromise. If a full year of training is not enough for a four-mile race, it is no more than enough for three-and-one-quarter miles; hence the question of impracticability is left just where it was. Viewed from any angle for any distance from two miles on, the problem is difficult and dangerous. At two miles, extreme speed would

be maintained throughout, length of training for which should not be less than now obtains for four-mile contests.

What is true of rowing is true of all college sport run to the crack of the professional whip with its commercial handle, and of lower school sport run indirectly to the same impetus. That fact is chargeable chiefly with the thirteen killed and three thousand seriously injured in something like 30,000 games of football played during the year of 1914; and the figure for the "injured" covers only those reported. Greater thousands of hurts, had in regular and irregular games, all of which were more or less serious, and many of which marked lads with traumatic wounds and for fateful trouble in after years, were not reported.

That national honors were paid to the half-dozen marines killed and wounded at the landing at Vera Cruz in 1914 was as it should be. That the nation did not bat an eyelash over the thirteen killed and thousands seriously injured at football during the same year is no less incongruous because falsely condoned in the name of sport.

(5) It does not graduate with the college graduate who had been immersed in it at college. Still vibrating to its measures, he must needs take a post-graduate course at it; in professional ranks if his ambition does not reach above the sporting "star" and "easy money"; or, under like reason and less

inspiration, while prostituting hard-earned dollars dumped into his palm by a purblind father, who will tell you with some heat that he "had to grub for his and he doesn't purpose that Paddy shall." As Paddy would put it in vulgar parlance, "The pater should worry!" Paddy won't; not over grubbing, will Paddy, nor over anything else, save that the pater's run-of-mine shall not continue to pan out.

There is direct as well as indirect analogy between that fact and the nearly six-hundred fistic brutalities which were pulled off for the year of 1915 in America by forty-odd first rate pugilists, who pulled down pyramids of those same fool-spent dollars in each, alleged, contest; fool-spent if for no other reason than that limited-round bouts are so commonly and palpably "faked" as to disgust out-and-out sports, themselves often overreached at the ringside. More than that, promoters of fights do not shy at mulcting their own breed, as witness:

In an investigation conducted by State Comptroller Eugene M. Travis he found that fight promoters were cheating the State and "double-crossing" their tools, the fighters, through juggling attendance figures and issuing a superabundance of press tickets.

Passing to hundreds of lads dubbed second, third, and fourth "raters," who engage yearly in thousands of character-killing contests, we tap the fount of

those blessings in the fact that those lads could not ply their pugilistic wares, did not high-brows sponsor low-brow sport.

Speaking of present students and prospective patrons of pugism, Dr. David Starr Jordan does not cough at colloquial English in his assertion:

"There are too many 'low-brows' only one degree removed from 'roughnecks' in college." There are, and there they peddle persistently their sporting stock-in-trade. What are directing agents going to do about pug-charged pace, every successive step of which crosses a lad's cradle gifts? What, when just one sporting fling leaves many a lad polluted, when not dispossessed of procreative power?

(6) It operates to rob its dupes of sense of proportion. Therefore so many of them are all-round wastrels; and therefore the most difficult first-offense felon to reform is usually the one in whose blood the greatest number of sporting "bugs" circulate. And hence a college, or prison, should specify somewhat more than sufficient of pure sport to cover the legitimate offices of pure sport; but no more by any kind of compromise, else we shall soon have sport-ridden colleges and prisons in general, as we have now in specific instances.

Sporting-mongers to the contrary, the approved prison regime of the future will require, even of life prisoners, that they shall pile knowledge, skill and wage. That, under all-sufficient of exercise in the

open to keep them in physical trim; voluntary exercise prescribed to brace the spirit and break the monotony, and compulsory exercise in order to assure the result. Life prisoners are included because the force of their opposed example will not be tolerated. All of that will be because it will have to be in order to check the steadily-reinforced drive of criminals, to whom the modicum of present deterrent measures is as is the rind to the heart of the fruit. If the Almighty can not hold humans to the lettering of His book short of deterring them, just why should man the mite imagine he can rewrite and execute regardless of law divine?

(7) It is destructive of clean sport and character in that it cleaves to the trickster and his tricks. An example in big-league baseball was the reading through an opening in the centre field fence of the battery signals of the opposition, and the flashing of them to the home batsman. Such practice is cousin-german to a certain crooked cunning which confirmed criminals employ. It is on a par with rowdy-baiting of umpires, interspersed with billingsgate heard plainly by ladies in the grand stand, and purposed to bias decisions in favor of rough-necks engaged at foul play. Methods of the kind are barely tolerable in war where they are subject to the last edict of the last law. On the athletic field they are beneath contempt when both sides can make equal use of them. Even then, they have not

a thing to do with actual athletic superiority. They decide naught but crafty crookedness, and rowdiness, to which they tend to habituate. Needless to add, your baseball trickster is usually your heartless hound, whose "spikes" are a menace to flesh and bone.

(8) It contributes to conditions whereof the great bulk of Americans exercise not at all for the sake of exercise; and it fools a horde of them into the belief that the body's needs are met in the modicum of exercise they get while they gyrate and vocalize over the athletic prowess of others.

To sit or stand for short periods part of each year and oxygenate while relaxing is relatively good; but it is only to stave off slightly the final reckoning for those who otherwise chain themselves to sedentary pursuits. All might do so much, plus the like of automobile jaunts, and little retard national suicide the most stupid, as did physically frayed out peoples of the past; the most stupid, because the very joy of living resides in the normal metabolism of the body, and that cannot go on short of a sufficient amount of balanced exercise taken consecutively in free air.

Notwithstanding the handsome advance of medical and social science, the breaking down process edges the shroud closer and closer to the medial line in America. Vital statistics show that mortality due to the steadily declining resisting power from

that line of the heart, arteries and kidneys has increased about one hundred per cent during the last three decades.

It is an anomalous fact that the sporting craze usually disposes its lay patron to shrink from exercise. For example, he will ride to the ball park. Rather than miss the "practice," he yields a brisk walk of a few blocks, the which would do him more good than anything else on earth. Having ridden home, he will stuff already stuffed and flabby tissues with fuel and repair food, and thus overload the transmuting agents of his body, which dump into his blood the toxic matter they cannot handle. Betimes he will tell "Doc" he "doesn't know why he should be, but he is all run down." Betimes thereafter he will hurl anathema at doctors because they do not wield magic wands of rejuvenation.

True, a degenerating people nurse several interlocking ills, each of which determines in the degree to which it runs to singular expression; but national decline always posits capitally the overfed and under-exercised who watch out nearly every dying midnight of their adult lives.

**Résumé:**

Sport commercialized and overdone gluts pleasure, inflates superficial values, filches from fair play, cripples fundamental industry, circulates disappearing dollars, induces then confirms sin, cheats then afflicts virtue, turns strength to weakness, weak-



ness to crime, maims and kills: and doing each it shunts human potential out of its heritage. Hence it was largely responsible for the passing of premier civilizations.

Remedial suggestions:

Sport is a great big thing which takes fast hold of a lad; it has to do vitally with the length and usefulness of his days. Obviously, therefore, the items which follow but broach a basic idea. The idea is to rationalize amateur sport. Take college sport as an example and apply the paragraphs in agreement with particular conditions, and the ages of participants:

(1) Place physical culture and competitive sport under the supervision of a physical director who shall be a graduate of the college he serves, who shall select his departmental chiefs from the student body, and who shall be named with the college faculty.

(2) Give the physical director time in which to get his bearings, and his staff full opportunity to perfect themselves in the theory and practice of their respective departments. Then *cut out the professional coach*.

(3) Reduce water and land competition to comparatively short dashes; on water, say, to one-and-three-quarter miles for senior crews and one-and-one-half miles for all other crews. On land, eight-hundred-and-eighty yards is as far as a lad should

be allowed to compete nearly extended at sustained speed.

(4) Limit the land endurance test to the mile run, with all but sound, natural, and stout-hearted runners barred. Cross-country running taxes the last tissue. It serves no human demand. The mile run meets more of stretch running than a man will be called upon to do, while it carries much the lesser menace to the vital organism. This, with the preceding paragraph, would curtail the training table.

(5) Make body-building calisthenics for all a part and an important part of the institutional regime; make them exact, spirited, and conclusive under self-made student masters of them who have the gift to enlist the highest voluntary coöperation of the mass.

(6) Have an up-to-date gymnasium open to all, but yield the apparatus thereof to those for whom the doctor prescribes it.

(7) Encourage cross-country walking and hill climbing, with short stretches of running on the level in posture which correctly taught setting-up drill will cause a lad to take on habitually, if not wholly unconsciously. Ere long, the frame will be set and the lad will feel uncomfortable unless he stands, walks and runs as Nature planned he should.

(8) Hold a lad's set-up, ability to take care of himself, general physical well-being, and knowledge of the use and misuse of his body second to no other

part of his college training in the winning of his diploma. Think of the individual and national reasons why that should be.

(9) No matter how high up or how low down, that teacher will get the best objective results who enters into the spirit of sport with his pupils. Shall he take a hand to comparative skill, so much the better for all concerned.

(10) Sport will ride lads to a degree and should in order to be most serviceable. It remains for school authorities to see to it that the degree does not trench upon study, nor upon the spirit in which a lad should be led to put on that wonderful thing we call,—knowledge.

(11) Discourage long-distance jaunts to contests. They disturb the morale of the student body, break the continuity of the legitimate education and training of those actively involved, and over-emphasize the importance of competitive sport in the minds of all.

(12) Stamp out commercialism; particularly, stop all of bargaining for and “inducements” to promising athletes from lower schools.

(13) Penalize the instinctive bruiser so that he will stay penalized.

(14) Let the physical director and his student lieutenants constitute the institutional Board of Governors of Physical Culture. The Board to hold conference on call of the physical director, himself

presiding while aiming to bring out the best in each for sequential and balanced progress.

(15) Hold to the physical director loyally, while holding him for results.

Such radical changes would be difficult during the initial year of transition. Standard records would no doubt stand, most of them, for something like two years. But once the system got its second wind, landmarks should be in as much danger as now, middle-distance aquatic marks at least threatened. In any event, building to manhood and to a serviceable body is bigger than records.

Any other view is unthinkable than that the prime lads of the land would do what they would have to do when put to it; do as much in good time for themselves as did newsboys who began with the crudest of tools and without a suspicion of education.

Such a system, compulsory in part, selective in reason, would vitalize local spirit and performance; shift honors and hold them close to "easy" as between colleges of like grade; stop exploitation of the young for athletic purposes; establish a most important faculty chair to which lads could look up, and motive them to put off that which does not, and put on that which should, distinguish a college-trained gentleman, scholar, and athlete.

As to universal athletics, your typical American knows he pays as he goes with pampered palate and body's ease. Were his ears an hundred they had

been stuffed with physical facts such as that brisk daily walks of a total of four miles are a blessing, and that to gorge with ill-selected food which the mechanism of the body is given not half a chance to transmute, is slow suicide over the gaseous route; yet will he not so much as walk with you, neither will he abide the dietist. The one-sided exercise of the most of him is done indoors in an atmosphere where a match flames as if in protest. More often it consists in paying out and pulling in playing cards in the same kind of an atmosphere.

Reliance for amendment and repair of set, cantankerous ways and means, is on up-coming kiddies. And so, let Americans assure the rational all-round physical schooling of their sprouting men and women.

Firstly, increase vastly schoolground areas, then specify again as much time for natural and artificial exercise thereon. Thoroughly wash the air of the school buildings while the children are at play. Teachers all will feel better and do better work for having been turned out with their charges.

Secondly, give the first morning play period to setting-up exercise; not to a flabby counterfeit so commonly called by agents who know not the "A" of physical culture, but taught by masters of motion who, knowing their human physiology, know how to handle the individual case.

Thirdly, vote and pay for such training and play,

along with universal military training, under the knowledge that it will build and shape the bodies and minds of your loved ones to their best and longest use for purposes either of peace or war. And don't fail to run over, when you can, and watch the fun. Your presence will inspire the youngsters to excel, arm you with first-hand information, the change of scene and thought will do you good, and such as the setting-up drill will be done but indifferently if it does not prove catching.

Finally, put the stamp of condemnation on the parasital "promoter" of the parasital thug and his assault.

No one fact out of human history is more anomalous than that Americans are to-day led by the ears by those "who toil not" and will not toil, so long as they can flimflam their kind into belief in the instinctive brute and instinctive brutalities.

Hitched to correctional endeavor, pugism amounts at once to scandalous reversion to primitive type, and an offense against humanism.

## CHAPTER VII

### TEMPTING AND TAGGING TO CRIMINALITY

*"We aren't against the forces of reform, but  
we are rather bored with the farces of reform."*

*—Columbia (S. C.) Record.*

Writer and reader frequently end at loggerheads because they had not reasoned from the same plane of thought. The one will have searched from the top down, the other from the bottom up. Common ground of understanding can not be reached by those who clash in reverse order of thinking. Let us, therefore, define what we mean by a criminal, before we risk declaration of the causes, prevention, and cure of him:

Criminal law holds one to be a criminal who is convicted of any crime written into that law. Such an one is subject to the restrictions and impositions which may be visited upon felonious offenders under the legal wording. Yet we should work untold injustice did we apply the criminal code inelastically to unfolding lads, thousands of whom are intrinsically stanch, even while they are impelled to anti-social expression.

Circumstances of birth, bringing up and environment may urge a lad to stub his legal toe badly, yet leave him scot-free of motive such as moves the instinctive, habitual, predatory felon. At any rate, it is with him we have to do, and it is because of exactions placed upon him by a rightly-ordered society that we must needs undo much done ostensibly for him, during the past three decades, by the single-seeing:

Having differentiated the by-choice criminal and such as the circumstantial offender, responsibility for whom so often rests primarily with public law falsely framed or flabbily executed, we should be able to stamp very close to intrinsic values.

The average young felon is a criminal only in the sense that he committed crime by the book. Moreover, his crime is frequently of a vicarious nature from motive nearly unselfish, as was that of the young dry goods clerk who robbed his employers of silks and satins with which to adorn the kind of a woman whose heart is set on baubles. The fact that the spurious wife knew she preened tainted feathers, did not let the young man out. He was indefensible in the final analysis; but not at all as is the human drone who packs his purse, pets his palate, and pursues his passions with pilfered coin.

Contrariwise, we needs must train long-distance glasses, instead of relying on the myopic vision of the auto-intoxicated who exploit the basic fallacy



that not one in a hundred of actual criminals is criminal because he wants to be criminal; and that the one would disappear, did all in the work of reform radiate the benign influence they, the blown-in-the-bottle reformers, radiate.

Being at once single-seeing and self-obsessed, a rounding off of the vowels in support of the "personal equation" is meat and drink to our cocksure friends; albeit they refuse the cardinal fact that that equation works both ways; that it is a precarious throw of the master criminologist bent on merciful measures; and that criminological sins galore are attributable to tyros who misapply the method, while misunderstanding the man and society's exactions upon him.

If it sinks in, at last, that reformation of the submerged and always prime fraction of criminals is a many-sided problem in which the personal equation can play but a minor part in the grand average, your criminological dilettante is up stump. He has staked his case on the turn of the personal ace. That card has faced against him; and since he has taken no pains to arrive at knowledge of the singular, as well as sequential values of the actual king cards of the reform deck, he needs must cast about for some bizarre scheme which will at once cover his retreat and clinch his academic hold on public opinion.

Hence the play has been again and again to the

personal and to please, with exactly those institutional activities featured which are least calculated to conserve reformation, and all culminating in the last mal-assortment and mal-direction of prison methods, engineered by inmates.

The first step in promulgation was to "pass up the buck" as concerns the submerged fraction who don't want to reform, and play up to the public through those who do; and that is fundamentally false, because in that fraction consists always the nucleus of crime. What is more informing, final steps were taken under the equally false conclusion that if "It takes a thief to catch a thief," it takes a thief to reform a thief. Firstly, the conclusion won't wash, just because habitual thieves don't and won't "catch" habitual thieves,—not as a rule they do not and will not. Secondly, those States that have used criminals for the purpose given, have been guilty of reactive error, as the record shows.

Inclusive of isolated and most heinous instances of hidden crime, a State which forms copartnership with criminals for the detection of crime, demeans itself and weakens its authority, while bidding for social chaos.

At best, the criminal sleuth will seldom do more than ease the going for paid agents of the law whose business it is to outguess, outflank, and outreach the criminal, be he ever so astute. At the worst, through "double-crossing" those of his kind,

the felon ferret will establish murderous chains of individual and gang reprisal, compared with which anything he will usually "give up" sinks to insignificance.

Again, since he whom the criminal dubs "stool-pigeon" is usually the meanest and slyest of predatory foxes, for him to forage from both sides of the street is just to express his nature; and a leg of the law "double-crossed" by a double-dyed, crime-tainted reynard in human form, is neither predicated in the penal code, nor subject for social gratulation.

Withal, visible signs warn that the worst is yet to come. Those signs indicate that the "moral suasion" cult rather court being knocked about on the penological sea with its insistent undertow; and since for that cult to tack were to yield at once of prestige, perquisites, and the public ear; above all, since our friends will of necessity seek safe harbor within the scope of their penological vision, we may reasonably anticipate a plethora piled upon plethora of the like of baseball by day and bone-rattling by night, so timed and prosecuted as to break up continuity of mental and physical endeavor, as well as coordination of the two, under a rational reformative regime.

All of rightly-ordered sport and amusement can and should be made auxiliary to every known means of reform. To deny a prisoner sufficient of free exercise in the open, and variety of mental activ-

ity within enclosure, is to defeat the fundamental purpose for which he is confined. Man can be made neither muscularly nor mentally automatic, and thrive. On the other hand, the moment the tone of quasi-reformative activities is lowered, and the emphasis is shifted to them from averages which alone bespeak the readiness of a prisoner to meet the exactions of a workaday world, that moment they become non-reformative. Hence, we shall wisely question as to whether or no a paroled prisoner had won trade and scholastic degrees, and count it comparatively inconsequential in case he had contributed to the sporting traditions of the place. This, essentially, because the first false flings of thousands of right-decent lads initiate with their introduction to habitual low-down "sports," and through them to crooks and crookedness.

So long as the drive is to placate prisoners under an elective-selective curriculum which yields at all points to anti-social sporting instincts, so long will continental America cling to the record for criminal recidivists. So long, too, will the crimes of repeaters bear to extremes, such, for example, as those lightly essayed by the daylight thug who parts fingers with purse strings, or shoots to kill the instant his identity is in jeopardy; nay, even kills wantonly, as if for the mere lust of killing.

Palpably, all but a modicum of repression goes out of a prison sentence which sends a many-times

convicted felon flippantly as to a picnic to a prison whose measures of reform he is suffered practically to dictate; for, if given his head, he will mostly vegetate and fake, while employing every subterranean means at his kind-of-cunning command to establish a promiscuous criminal camaraderie. And woe unto freeman or prisoner who temerarily interposes himself between such criminals and the fruition of their prison plans. If the former, he will be pronounced "no good" and "framed" to that measure either directly or indirectly. If the latter, his prison days will be made as miserable as the "gang" can make them, and he not improbably marked for "treatment" on the outside.

Under such prison procedure it could not have been otherwise than that the preventive and repressive arms of the State should alike suffer comparative paralysis as concerns the class of criminals in question. The bid has been so direct, open, and persistent for prison expression of the last base thing which appeals to criminal instinct, that the wonder is very many more of habituals have not issued from the great mass of offenders; and they would, had not recent war conditions, combined with labor agitation immediately preceding, boosted the wage of the mere machine tender to the level of that of the journeyman mechanic of past years. Again, many of potential habituals took to the service abroad.

But such conditions lasted only so long as the

war lasted. The moment the peace of the world was assured, prices began inevitably to seek the level demanded by sane policies; and then, the delayed deluge of crime, of course. There was, and there will be, no "wave" about it.

In so far as the American people have dug down into their pockets to finance freak measures of reform, they have been properly served, since it should leach into the mind of a lumberjack that the harlequin stunts of the hay loft are out of processes of intellection but a step removed from those which motivate the making of mud pies. While both of those activities mark successive stages in the unfolding of the minds respectively of the child and youth, they bear just about as much relation to reformation of character of the adult criminal, as does the moon to monkey-business. By the same token, any alleged reformatory regime that lends emphasis to such activities is false in determining base and must disappoint,—albeit the actual criminal naturally acclaims men and measures which permit him to fool most everybody most of the time, while declining pursuit of approved knowledge and skill.

Otherwise admirable gentlemen, who have made way for the merry-go-round idea of prison reform, are not to be shriven of responsibility thereof because they have been purblind. Upon him who assumes the rôle of seer of reform and in that rôle to trace the footprints of the Saviour, rests the bur-

den to arrange the prime factors of reformation in the order of their relative value; his is the duty also to distinguish as between prime and incidental factors, else he shall get tangled in a web of his own weaving, and be caught at robbing the one class of law-breakers in order to misfit the other. Doing that, he has lent hand at building to flippant, spineless frauds, surcharged with mal-suggestion.

Gentlemen cheat themselves, cheat the public purse, cheat the public safety, and cheat unfortunate falling men, when they impose upon a most grave while Herculean task, prison measures that are trivial when they are not actually non-reformative.

For one thing, it is pat to remind that passing unearned largess to any part of the body politic runs parallel in result to that which charlatanic tribunes of Rome initiated through tossing unearned donatives to the Roman rabble. Civic virtue was not to be purchased then, and it is not now, either in or out of prison. Then, there was, and now there is, no arm-around-the-neck, happy-go-lucky, let-her-drift short cut to social rehabilitation for those anti-socially driven, or swayed.

Character is to be reformed only over the long route nearly as it is formed, save that in the former instance the added handicap issues which requires of us to induce a lad to put off the old and bad, while he takes on the new and good. And that's

the job of a full-sized man and criminologist; a full-sized man in the sense that his intrinsic sympathies are keen enough to cut through surface indications to the bone of a given case; and a full-sized criminologist in the sense that his natural capacity thereof is so great, and his preparation so broad and deep, as to enable him to separate reformative wheat and chaff. Even at that, one must needs take frequent account of one's self, and of the trend of human endeavor, and change one's plans of approach and attack in agreement with the call of ever changing conditions which make for the criminal.

One shall have in mind also that it was required of the Spartan youth to be a resourceful sneak-thief; that the robber-baron took on the "holdup" game soon thereafter and excused himself neither to his king nor to his countrymen; and that not so long ago, timed as evolution ticks off time, the great preponderance of human effort was given over to predatory conquest under none other than natural selection. "Cease, therefore," said Brunnus, king of the Gauls, to ambassadors three of the Fabii of Rome, "to pity the Clusinians whom we besiege, lest ye teach us to be kind and compassionate to those that are oppressed by you."

We know that traits of character persist and govern unto the sixth generation. We do not know



how far hereditary taint strikes through and *tends* to govern. Up to date, our grasp on hereditary transmission is so insecure as to make it purely gratuitous for one to allege of the "law" thereof. Hence, we can by no means be sure that certain of instinctive thieves of the present are not measurably the natural blood brothers of juveniles whom Lycurgus sped on their way to pilfer promiscuously, and to be brutally punished if the success of their undertakings did not measure up to the then standard. Instinct lashed into lads unto death 356-323 B. C. would necessarily carry with a tremendous pertinacity; probably not to this year of our Lord, but possibly so.

And hence, our primary feeling toward a thief should be that of pity, just as we deem it pity that so many of an originally ingenuous, pastoral people like the Sicilian should have been metamorphosed into dagger-thrusting brigands by predatory peoples over sea who wrested possession from the rightful owners of their isle of isles and "granary of the Mediterranean."

But blow the wind of circumstance as it may, it is up to mankind to temper to it the last human heart chilled by it. How, then, shall we set sail so as best to conserve the social regeneration of the instinctive, habitual, predatory thief? That's the pith of the crime problem and it must be met. What

the variety of him doesn't so much matter; just take him as he is stamped, and wants to be without apology.

If sympathy were all the average of even first-offending lads needed, the question of reform would reduce to very simple numbers; if so, then feed, clothe and house law-breakers rationally, and turn them into the sunlight for plenty of exercise under the supervision of men gifted singularly to lead and lave. In very truth, an atmosphere of the kind would be hands in effectiveness above the prison in which petty parceling of measures with time inductive to waste of human potential for acquirement of mental and manual skill stands out only less markedly than does the deplorable moral tonus of the place.

Of course it is needful to encourage prisoners all of the way up through the gamut of their prison endeavor. It is needful, as well, that we know our reform score, and where its sympathetic passages should be marked "*pianissimo*." And it is needful that we dig beneath the surface for the fact that by just so much as the score is marked to the maudlin, it is shaded out of harmony with those purposes; also, that he who insists upon such shading has lost his grip on essential reform values,—if he ever had fast hold on them.

Prisoners who are bent on pulling up resent effusive patronage, and in their hearts despise those who effect it. Prisoners who are bent on pulling down

make all of misuse possible of a false weapon and of him who wields it. Therefore recent tales of prison mismanagement many times multiplied, some merciless to murder, others ridiculous beyond the measure of mirth, and all indicative of the mess man makes of it when he essays to reverse both God and Nature.

"Proof of the (reform) pudding" is indeed "in the eating." Let an instinctively criminal lad get his institutional start in a juvenile school of which it is prated that repression therein is scarcely known, and his chances to toboggan on to a prison of last resort are excellent. Let prisoners of that same prison wax enthusiastic over life in it, and its usefulness is at once suspect; for, in every house of correction there is always an appreciable percentage of inmates who must be force-fed to a certain extent of reform broth. That may be brutal truth hard to tell; but it is truth, just the same; truth forced into the consciousness of every worker in the work whose endeavors shall outlast the print of his own day.

Betimes, the feeding will prove as abortive of reform result as did preceding moral suasion ministered in long-suffering to the limit of safety; nevertheless, to decline an issue created out of whole cloth by a sentient subject who will have no other issue is to refuse protection to the mass from the

machinations of the few. Still, contact of extremes should be shunted when judiciously possible. Reformation can peg along nicely minus the judgments alike of the immovable Martinet and the muddled milksop who couldn't think in manly measures, give him a decade to do it. The steel of the one will strangle hope. The mush of the other will maim chance and breed license.

While prevention is the primary principle both of divine and penal law, neither would serve man either at his best or worst, did it not carry the final alternative.

Dare to do it! Dare to parcel My laws to personal ends, and pay, says Almighty God. Pick and choose along the forbidden path if you will, but,—pay! echoes Nature.

Profess what he will, let the average man search his heart and say if it be not mostly fear of the wrath of God that binds him to the better things of earth.

Just because it bears the infinite essence as no other finite influence can, save perhaps the light of love, the law of consequence is the biggest thing in the basket of empirical knowledge. Then why be at such pains to delete from prison plans so close to all of that which would point prisoners to subjective and objective consideration of that law? Why pussyfoot to and from the decrees of God and

the exactions of Nature, which will not down, strew favors while steaming to sentimental fervor as we may?

If a lad is one of many of his grade commonly misnamed "incorrigible," who is ignorant, unskilled, and homosexually-driven while scornful of personal influence, law and authority, will he put on or cast off, confined wherein there is "no work, plenty of eats, and a bum argument every minute"? Criminals of the kidney quoted are constitutional liars, first of all. Reduced to the level of truth, this one's words tell that prisoners of his ilk prevail positively for compromise whereby they shall not be pressed to exertion, nor proscribed by discipline, inimical to conditions which distinguish the low-down lodging house. Moreover, the informer might have added tobacco without stint, and any drug for a price, paid by shining lights of the boiled-shirt brigade.

The cardinal menace consists in play to the cards of criminals who combine as one to force the State to give as they would receive. The menace takes on the increasing weight of numbers, inclusive of legions of slipping lads who are swept along with the criminal tide. The weight of numbers is applied in two, main ways: (1) By mass manifestations cunningly designed and executed with regard to time and place, to make it most difficult to sort out the ring leaders other than through enforcement of natural preventive measures of counter scope, from

which the all-knowing shrink. Notwithstanding, the acme of humane prison discipline resides in ability to direct the spirit of the mass against the individual bandit. (2) By the cleverly-conceived subterfuge to deluge him with praise who obligingly substitutes shadow for substance. That is to convince him of his heaven-born gift to solve the crime problem.

So it comes about that the burnt-in-the-baking penologist and the baked-to-a-turn criminal get along swimmingly. Having payed out prison slack until the word prison is nearly synonymous with play house where he prescribes, the former holds to it militantly that he had done a good job. The latter is certain of it; so certain that he admits it steadfastly,—the which fact is all-sufficient reason for a winnowing of current prison methods.

Where those conditions approximate as given, the criminal is to blame only up to the measure of his understanding, befuddled as never before because his mentors utter counterfeit coin. He marvels how they will match reform pennies with him "heads he wins, tails they lose," yet minds all too clearly the chance afforded thereby to mask the real man and malingering to a minimum parole. That, very close to a man, he does, wretchedly equipped for a crime-free life. Back he goes, therefore, to the criminal groove whence he came and whence he was prison-pointed. Shall it have eventuated in the reverse, you shall

have changed his habit of thought and action; and that you shall have done only through leading him to like reform doses which he will at first find "nasty to take and sure to disagree." E'en should he strenuously assert over-night transition of his character and aims, still search his averages for attest, ere you turn him back onto society.

The ultimate loss in body, brain and spirit accrues to the criminal. The joke falls mainly on nobly-driven knights who blare their way to the reform lists bearing serviceable weapons whose points they know not how to direct. The financial toll is rightly taken of freemen supinely at ease with themselves while lawlessness eats to the bone of the brand of freedom bequeathed them by the forefathers. The cure must carry sufficient of coercion to bridle license; it must, else terroristic force is to be the established tool to hand of the lawless,—as witness world-wide anarchistic class movements, insistent and set off by sign visible in such as this excerpt clipped from the *New York Times* not so long ago:

"Five hundred rifles were distributed to Chicago patrolmen to-day and a score of automobile squads were organized to hunt down gangs of gunmen and armed robbers who have been terrorizing the city for the last few weeks.

"Contending that present police methods were powerless to handle the wave of crime, which has resulted in many murders, scores of payroll rob-

beries, and hundreds of holdups, civic societies and city officials have united in a plea to Governor Lowden to suspend the parole of known criminals from penal institutions. It is asserted that these prisoners, when released, return to Chicago and have been the motive force behind the present unparalleled reign of lawlessness."

The above case is but one of many in point which bespeaks the inevitable reaction from regulating the prison days of the criminal so as to make those days no more onerous to him than is "sleeping time,"—which he flippantly dubs them.

Whencesoever relief shall come, it shall not initiate in exchange of diatribe with accent on the personal; neither in inflation of the Constitutional rights of one class of men, amounting to conscription of the same rights of all other classes of men; nor through sticking super-scientific stamps of mental stigma to lads whose alertness of mind had been trained on objects and objectives at war with the objects and objectives of mental tests held in surroundings at once strange and confusing; albeit such tests are accepted as final and stamps stuck without regard for the natural bent and scope of the subject's mental processes up to the moment of test; nor without regard for the further, vital fact, that the emulative spirit unfolds in lads with a difference in degree of intensity along specific lines. If all strawberries fruited with the Early Ozark,



man's palate would yield the more luscious late-season varieties. If mere prococity were the human high sign, human hearts had been denied the mellow ripening of Mark Twain, along with the twofold unfolding of the spirit of Grant at the Wilderness and Mt. McGregor.

The last paragraph is stressed in so much of effort given over to find out what the subject doesn't know, without probing to the last why of it; and to so little in search for what he does know, and for the last why of that; so much and so little, seemingly unmindful of the governing truth that humans would reduce to a dead-flat level in a dead-flat world, did not Nature specialize to the clicking of her own clock. Force-feeding of the mind with pabulum anti-thetic to the natural mental bent may prove not one whit happier than force-feeding of the stomach with food which offends that organ.

Any test for mental response which does not alike disclose the reasons for aptitudes and inaptitudes is essentially meaningless; it further falls to the ground if it fails to point coordination of aptitudes. To mark a budding lad a "moron" is of positive value only when it discloses dullness to the brink of deviation in the face of opportunity. Furthermore, full adolescence, with which so frequently comes the awakening, is not infrequently retarded until near to the twentieth year for males.

Hence, no man has call to lightly tag maturing

lads in manner to make them the butts of their comrades. Than that, a better means could not be devised by which to engender auto-suggestion inimical to normal growth, the which so often and for so long lies dormant in the lap of Nature. Give the prisoner a bad name which arouses his resentment, while it cold-blankets aspiration and emulation, and he is made of sterner than average stuff if he does not earn it. Beyond question, the marked tendency of such false suggestion is to establish a lad in a life of crime. More than that, counter compensations are necessarily wasted on one whose mind had been ruthlessly ordered to refuse them.

Over-zealous devotees of the "test" game seem to be oblivious of the fact that many of their basic conclusions leave something like fifty per cent of their countrymen strapped to mental inferiority. The bulk of those who are forced, mainly through unfortuitous circumstance, close to earth and to so-called vulgar toil would be excluded from the company of the elect; and millions of the matured who are graded higher and still higher in the labor scale would find it most difficult just to fit little blocks, and to fetch and carry on the snap command of investigators whose mental energy had been given over more or less to fitting little blocks, and fetching and carrying. Also, let the dock rat "test" the investigator along the lines of dock parlance and ensemble, and the investigator would measure

to the moron. And also, who had done the ground-hog work of human progress, had the Almighty built solely to a race of intellectuals?

When psycho-physical analysis of the prisoner is made primarily in order to establish his natural aptitudes, and secondarily for the purpose of fitting him into the reformatory groove which agrees best with those aptitudes, such analysis will be worth all of money a State can be brought to expend for it. Anything less runs to fiddling of consequence less than the circulation of the prisoner's blood in comparative purity.

Results issuing under the comprehensive procedure indicated will prove the average felon to be a moron only in the restricted sense that millions of crime-free bread-winners are morons; which is to say: One can express but indifferently that which has engaged one's consciousness but indifferently. Therefore it gets us only as far as with the gutter-snipe thief in his own domain to demonstrate that his processes of intellection are next to nil, save as to the only mental field in which he had had a ghost of a chance to give any kind of ideas voluntary play.

It is merest commonplace without force to declare intellection inseparable with conditions, each singular one of which impelled to both grade and scope of the intellection declared. Compound personal analysis should run to the measure of its worth. It should not be so loosely ordered as to but further

retard the most vital of worth-proven measures of reform, stuck at inches below the bar they should have cleared, decades ago. Take an example: Not all of the sins of omission and commission piled upon workers in the work by the self-assessed elite of reform are comparable in far-reaching effect with the holdup alone of the hand-tool processes in prisons. The writer knows whereof he writes when he writes that the industrial products of the juvenile reformatory in which he served back in 1887 were distinctly superior in outline and finish to like products of the bulk of correctional institutions for advanced felons of to-day.

For that, thanks, in the main, to the extreme radical reformer's conception of what constitutes a vital agency of reform, and how and when it should operate, and why; and, in the concrete, to his pet predilection for puttering to the sore hurt of the corporate body of reform.

An instance of the one is discipline adjusted to the early parole of prisoners, instead of to their pressing reformatory needs; and by "discipline" we mean every conceivable influence calculated to lead prisoners to think, act, and work aright. An instance of the other is arbitrary reversal of local authorities on the mere word of recalcitrants, who lie if the institutional records of their conduct and work do not. That is to rattle two, non-reformatory chains, the ultimate effect of which is to maim all

of work and authority, make written records meaningless, and disgust hundreds of lads who are too manly to give the retort final to those who had subjected them to none but just impositions and deprivations.

Also, such cross-matched expression clears the way out for exactly those who should be held in, and holds in exactly those for whom the way out should be cleared. That procedure of the kind is pursued in good faith, in no wise alters the fact that if you can marvelously demarcate equity and favoritism while pursuing such procedure, you still can not present prisoners with reformation.

Laymen have had no ready-to-hand means of knowing that surface strictures aimed at sterling criminologists were parallax with the meat of the matter. It is true, for instance, as charged, that some have deplored the spirit of the barbecue within prison walls. It is exactly the reverse of true that they have thereby retarded reformatory processes.

Likewise, it is true that those who see reformation whole have parted under protest with old tools of proven worth. It is not true, as charged, that the admitted fact convicts them of ill-directed endeavor; nor is it true, as plainly implied when not charged, that they have opposed captious front to other than palpably false use of reform tools, either old or new. For example, they have held against maximizing the importance of non-reformatory sport,

because so to emphasize is to feed an offending member and to create a mass psychology which minimizes the call for consecutive education and training along fundamental lines.

Admittedly, we can keep a given prisoner good-natured through capitalizing the sporting field in his mind; but had he, when free, habitually divided his waking hours between picking pockets, the ponies, baseball, and the like of "the bones" while not forgetting the brothel,—would or would not such policy furnish him further formulæ for his depraved instincts?

Specifically considered, free America must take up dropped stitches, then safeguard the person and property of the last and least of her units; she must begin to do it now, without regard for what any other country does, else yield her singular, intrinsic meaning in history.

An interlocking measure, at once vital, is that America shall so re-order her remedial regimes that they will command the respect of all classes of offenders against the public law, and should enlist their voluntary cooperation in furtherance of the prosecution of those regimes.

Going about so much to effect repair, America must make it understood that reformatory results are to be gained, in the grand average, only by ways and means employed to build a going busi-

ness; that little more of sentiment is ordinarily useful in rightly-ordered reform endeavor, than that with which a big-hearted business man binds his employees to him and to honest industry; that there is nothing hidden or esoteric about it: nothing above the level of earth, nor beyond the reach of average intelligence; and that, above all, magic wand of rehabilitation is not available to man's hand.

Much as the young thoroughbred is trained and educated, while indulged, to a degree, as to his natural reactions during the process, must the by-choice felon be handled; but always, as is the thoroughbred, to the ticking of the trainer's stop-watch. He must be prepared alike to go the route, and to respond to the whip hand of society. Even so, his is but the common lot. No man who is subject to the edicts of artificial law is, or can be, immune to the compulsory arm of his government.

Because the basic exaction upon a would-be law-abiding man is to make an honest living, it follows logically that the fundamental activities of a reform plant should be mainly bread-winning activities.

Furthermore, since the time allotted for trades teaching in correctional institutions is usually as one to three compared with the time required to build to a journeyman's skill in free life, it is imperative that prison trades teaching, along with related reformatory processes, be sped up to the reasonable limit, under close mental and physical con-

centration. Gutter-bred chatter won't do; hilarity-charged malingering is poison to the product.

Beyond doubt, the system of training must be purged of anti-social by-products, such, for particular example, as grossly overdone sporting features, with the mark for emulation set at the blood-spilling bruiser.

Then insist that being a reform agent is a profoundly serious business, demanding specific skill, a wholesome tongue, and clearly expressed determination to pull everywhere, all of the time, with good suggestion and example, for reformation, and for that only.

Then bow out the fetich-beridden bungler; feed, house and clothe prisoners as human beings should be fed, housed and clothed; keep their bodies clean, and their souls stimulated through lending spiritual aid that does not intrude, but does engender consideration of root values; and then the true criminal will be "given a chance" to cherish hope, while rebuilding from those values.



## CHAPTER VIII

### CONSTRUCTIVE RECOMMENDATIONS

First and foremost, renewed efforts must be pressed for probation of, and restitution in kind by, first-offending young felons. This, to the end that they shall be given a decent chance to amend, while they are kept clear, to the last cleavage, of pernicious suggestion and example which always pass in the criminal crowd; and that, with due regard for all conditions which obtain. To visit money and time imposts of the Shylock brand upon a first-offending lad who is far from unfolded, is to take the heart out of him during the probation period. Such method is to step him along too lively who goes bang up against the law of opposites while he is paying for a dead horse. It is also to set his jaws against society for having brutally stigmatized him, shall society lightly have passed prison sentence upon him.

Then see to it that they who elect to be, and remain, predal parasites are kept segregated while required to give of real service for their care and upkeep. See that they do it under the plainest of nutritious food without stint, and in the plainest

of garb without stripe, until they shall have given evidence fairly presumptive of their will to guide on the good. Do all without suspicion of partiality if you would make any part of it count.

To temporize with a social pariah who flouts every function of collective government, while he smites the individual hand given over to serve him, is to play to his false cards and to part company with common sense. In such instance the unit is negligible, compared with the harm he will do if he is fed up purblindly with ill-timed sentiment, the which merciless habit motives him to euchre.

Society may be shriven, measurably, of responsibility for the criminal who is mostly home-bred; but by the very fact of his being at large, society earns the confirmed social Hun who spurns the soft pedal and stabs society advisedly, day in and out.

So, at the one end to stay the too harsh hand of compulsion, and at the other end to strike hard with isolation, are two ways by which to afford the circumstantial felon a fair chance for his social law. In any case, the first duty of society is to see to it that it does not elbow a lad into confirmed criminality. A dash of the Saviour in man would have saved many a one the degradation of a prison sentence.

The only way to assure the most of remedial influence to a correctional plant is to assure its completely autonomous character. That can be done

only through as careful classification of the plant as of the law-breaker; and that can not be done where each separate activity of the plant crosses every other activity of the plant.

If it is to be a cottage-industrial system for likely lads who had nevertheless lapsed under probation, let it be precisely that with common schooling, and with all of puttering at farming and farm-gardening refused. If a family, farm-cottage scheme is designed for like lads likely circumstanced, let it be dedicated to intensive farming, dairying and gardening, save only for common schooling, the blacksmith shop, the greenhouse, and well-planned instruction in the use and care of machines and tools which every farmer should be able to handle with practical skill. In either instance, let fifteen minutes of setting-up drill, before breakfast, usher in the day's activities; and give over each Saturday morning to close military training. The latter particularly in order to conserve disciplinary balance, and to assure orderly, systematic movement of the lads; the former to preserve proper posture.

When, as in the next logical step, it comes to a congregate system for those who had foozled while on probate parole, or parole from more favoring institutions, confine the activities strictly within enclosure to a trades-scholastic-military regime, excepting where it is advisable to drive such as dairying for purely local purposes. Even at that, estab-

lish without the enclosure a family building which shall be outfitted to house and feed up-for-parole men assigned to outside work.

There should be no commingling as between outside and inside men. Graded schooling in the outside building would not be practicable, but morning classes taught by higher-graded inmates while the sun is absorbing the dew would serve nicely for the something like sixty to ninety days previous to parole day for such inmates. Progressive privileges and perquisites should be within the winning of the men inside of the enclosure, but they should issue only to those who shall have worked to reasonable averages throughout the regime. Rational recreation and amusement for all is presupposed, but naught of it should be allowed to lend slack to the outfitting of the lads to take care of themselves lawfully in free life. Here, we needs must re-ground our men in respect for the major voice; that, with regard for the individual case, and with as little of friction as may be, but not to the point where non-reformative compromise is struck solely to avoid friction.

The prison prescription reaches in progressive sequence to the law-breaker who has run the gamut given with trimmings, or to the equivalent, yet cleaves to the crooked course. He must be taken seriously if the safety of the State is to be conserved. Still, since an erring soul should be given over grudge-

ingly to disciplinary emphasis, the next, logical link in the chain, is an intermediate prison patterned after the trades-scholastic-military regime indicated in the preceding paragraph,—save that all lines should be lengthened and stiffened. Progressive privileges for skilled prisoners nearing freedom should include work on the public highways, with the camp as a base. Actual knowledge of road-building is valuable knowledge.

Internal government throughout should function for an industrial drive; this, under a kindly firmness by State agents. We now deal with men who have one leg in the pit, by which very fact we can not play at child's play if we are to help lift them to solid social ground.

The sentence to this institution should be definite—indefinite; usually not less than two years minimum, with an indefinite maximum decided by the all-around progress of the prisoner.

The prison of last resort (convict) should be run truly to its name; yet not even here should society visit heaping reprisal upon human pawns. On the other hand, not the least of compromise with criminality should pass in a population singularly charged with the wolf in man, expressed in free life. Punitive measures defeat themselves which further degrade degenerated and degenerating men. By every method drawn to comprehensive understanding of the pressing needs of perverse humans heavily

handicapped by nature, must we bear with and endure for them; but duty alike to the State and to them demands, for them, a prison regime which shall refuse selections of the kind responsible for their segregation as habitual criminals. For strict discipline, and body-building exercises prosecuted to their beneficent ends, and for the closest mental and physical application at work, not the slightest apology should be offered. Such as closely-applied endeavor, order, system, neatness, cleanliness, ready obedience, respect for authority, and consideration for the rights of fellows should obtain, as a matter of course.

The particular wheel within this prison wheel should be a building completely appointed for isolation of persistently refractory units, whom to isolate proves to be the only rational choice left the State. This building should be built outward from the wall farthest removed from the main building; traffic as between it and the body of the plant should be restricted to the last, necessary step, and the isolated section of it should be made practically sound-proof.

Habitual criminals who plan a continuous performance of mock-bravadoism before massed criminals feed on the approval of that expression by an appreciable percentage of the mass; hence, to deprive the mock-bravado of an audience is at once to remove the main motive for his brutish bungling

and hyenaized conduct to a sphere where it can not, by the weight of mass psychology, stampede the better-inclined majority.

Prisoners of the kidney indicated should be kept segregated under effective yet kindly discipline, and concentrated striving,—laundering for example,—until they shall have signified their intention to adjust to the State's idea of it. However, the aim should be to reduce secondary cellular confinement to the irreducible minimum, and the same should hold as to restricted diet. Neither is reformatory, while the one usually operates to establish the lounging self-violator, the other to confirm the churlish brute. Get a man interested in his work, instead of in a "line of criminous talk"; that's *the* thing to do, and it can be done for any prisoner who has a spark of self-respect left.

Under existing law, products of prison industry may not cross those of free labor in the open market. That proscription is reactive, short-sighted error, which organized labor may well reconsider from the economical standpoint alone, since the ultimate effect of it is to take about two dollars out of the pocket of labor for every dollar it puts in; and that is to waive the larger question of social solidarity based on Christian ethics. In any case, there is no good reason why production and exchange of serviceable products as between State institutions should not be worked out to reciprocal benefits and

near balance in values; but that calls for strict classification of industries,—along with the institution and the man.

Closely-applied industry should be capitalized in prisons if for none other than distinctly to the purpose of dignifying industry in minds which had been trained on the counterview, and on practice analogous to that view. Wheresoever a formerly unskilled prisoner is led up to apply himself habitually with skill, he is savable,—all else being equal. In any case, suggest nothing to a prisoner, no matter what his adjudged mental content, that crosses the supposition that he can “make good,” if he wills to do so.

First-class record men for whom discharge is in sight should be employed at public work provided,—machinery for the apprehension of elopers is made practically unbeatable, and the guards are live and supremely tactful.

Even at this last plant of penal resort, proscriptions as against reasonable reactions should be avoided religiously. Such as lock-stepping, folding of arms, and forbidding prisoners a glance at visitors, set the teeth more firmly of men whose anti-social jaws we shall unlock,—if yet we can do that big thing,—through humane application of measures whose necessary restrictions and deprivations are sufficiently drastic. “Enough is a feast,” anywhere, any time. Appeal to reason is never wholly lost on sane prisoners of any grade; whereas to



visit petty penalties on natural, harmless, human expression oftentimes motivates reprisal out of all of proportion to such trivial imposts.

Three good working rules for a prison officer are: (1) Discipline the mental twist which has it that appreciable of the oblique casts of prisoners are directed at you, personally; a few flings may be so aimed, but the bulk of them will be fired at bigger game. (2) Don't threaten; do what must be done like a decent father does do it. (3) Before resorting to a measure which will add to the prisoner's prison days, and after having weighed all circumstances bearing on a given case, put it to yourself: Positions reversed, how would you like to have done to you that which you are about to do to the prisoner? Thereof, the best of men will be driven, hard; just the same, it is up to them not to yield of example.

While all prison officers should be picked men paid liberally by right of their natural adaptability to and training for a most scientific work, the citizen staff of a convict prison should be the pick of the picked. It is like unto pastime for past masters at all the prison tricks of their trade to overreach the misplaced tyro. Such an one can and will stir up more deviltry in an hour of floundering than the house disciplinarian can reach and arrest in a month.

Schooling for officers should begin at State "Crim-

inological Schools"; and grade up, through State "Houses of Reception," to correctional schools for juveniles, to reformatories, to intermediate prisons, to convict prisons. Thereby officers would be enabled to observe, study and allow for the boy in the man or the man in the boy, as the case might be; they could and should the better prime their methods for reformative shots at the progressive criminal; and full cognizance of the criminal's successive steps should lend strength to those methods.

Successive promotion for officers, with added pay at each up-going step, should ensue upon Civil Service examinations so timed as to maintain waiting lists. Examinations should disclose the constantly enlarging capacity, both practical and theoretical, of the examined for the work.

Failure by an officer to meet the reasonable exactions of an examination should leave him as then placed to dig for a broader understanding; and a plainly-expressed disposition on the part of a State penal agent to stick in an indifferent rut should be deemed sufficient cause to exclude him from the service.

Whether an officer can not or will not grow in the work is one in result; in either instance, he will be a drag upon it, and many too many do not grow. That does not do now, and it will do the less and less as world-wide transitional conditions unfold; conditions which are intimately associated with

crime, which are the most varied and far-reaching, and the social balance as between which will be the most easily disturbed of any in the world's history. The cardinal duty of society is to make the average correctional plant safe, as it is not now, to treat the criminal made and in the making; and the first step thereof will be to assure the calibre and quality of the personnel of reform staffs.

A nation that gives in millions of tons of food for needy peoples will build humanely for its own unfortunates if it is shown how to build; but since the public purse will be pinched for at least a generation to come, the beginning will be made judiciously with Houses of Reception for first-offending felons waiting trial. The first of such houses should be located close to capital cities; this, for reasons so palpable as to make detailed specification unnecessary.

Even in such detention houses, intended to do away with the abominable jail system as far as may be, ways and means for industrial application should be thought out to agree with local exactions, classification by cell blocks made, and conversation limited to recreation hours on the common parade, which recreation should be taken successively by the groups as classified. Setting-up drill, followed by instruction in the school of the soldier and squad, should be vigorously prosecuted. Right here and

now we want to start our lads in obeying orders, and in keeping their tongues between their teeth, where promiscuous talking won't do.

Other than as specified roughly, the leisure life should be religiously single-cell life. It is high time for our man to ruminate and to do it free of objective check; also, he should be placed safe objectively from perverse sexual attack; and also, the retention atmosphere in which he moves should sober him by being exactly the reverse of that of the average jail, where to eat, lounge, play cards, and "put up" a crime-breeding "argument" pretty nearly rounds out the daily life. Choice of carefully selected individual games, and from a reasonably selective library made up of sound fiction, history, and current trade journals, would break the monotony of his unoccupied waking hours.

In the meantime, jail life for the "jailbird" rounder should be made onerous enough to motive him to make an honest living rather than endure that life. Worse than it mostly is at present it could not be, which is to say: worse than fattening social drones at the public expense in hives where they are furnished the last formula for their malingering instincts.

For some, work on local improvements would serve, under the auxiliary supervision of a jail guard. For others, a stockaded county farm with the labor

throttle pulled wide open would be better. And for refractory units among them to be amenable by law to transfer to intermediate industrial prisons, there to massage floors pending their amended disposition to do and be, might initiate the social reclamation of many a bald bum and beat. In the event of such transfer, the original sentence should redate from the day of transfer; moreover, for the numerous of the class of habitual hangabouts who manage to duck the penal code while they refuse to lift a finger in their own behalf, the sentence under transfer should further amerce to a fine provisional upon the manner in which they react to the correctional measure of the industrial, prison plant. That would mean practically an indefinite sentence, and it should be so, since the persistent drone-bum is a dead weight which the taxpayer is fully justified in declining to carry.

The primary reformatories of America are admirably appointed and conducted in the main. We lead the world now in first institutional aid for juvenile offenders, and when we shall have better understood the intrinsic bearing of Loyola's related words, "Let me train a child up through his seventh year, and I don't care who trains him after that," we should do so distinctively. As it is, the temptation to pluck a crime-tainted lad for parole before he is ripe for it, sums to serious and easily-corrected error. For one thing, we must rightly evaluate the pleas of that

class of parents who can not rest until they get their children into reform schools, and then can not rest unless they make every effort to get them out.

Of course the initial emphasis is on Child Probation Courts, whereof we excel. However, probation for the offending child is one big thing which leaves much to be worked out, and which calls for under-agents who are given to know intuitively what to do for wrongly pointed kids. First of all, the consciences should be quickened of parents who seek to shift responsibility to the State for the up-bringing of their children.

As it stands, probation powers that have the say-so practically hold officers of reform institutions taboo for service as probation officers. That interdiction is gratuitous, ill-grounded, short-sighted discrimination against a class of men, the bulk of whom do earnestly and well, in a disease-charged atmosphere, a confining work that calls for personal adjustment to the exactions of constantly changing men and conditions. Of reflexive discipline overdone must be admitted "Old Guard" advocates whose reactionary influence would be more reprehensible, did it not counterbalance tomfoolery subversive of any kind of discipline. But if there is a reform school in the United States which does not elect to demand of its officers exactly the kind of service that fits them to make excellent probation officers, the superintendent of that institution mismanages.

Men like Chief Justice Harry Olson of Chicago, Ill., Judge Ben B. Lindsey of Denver, Colo., and Judge Stevens of Rochester, N. Y., amplify the correct meaning and intent of probation; men who realize that it is not so much *what* you do for a lad, as *how* you do it; who do not allow the heart's desire to veil the mind's eye while they so express themselves, and who are therefore of the Saviour's very own in the work.

On the other hand, ill-timed, placed and managed suspension and probation sums to one of the present cardinal factors in the commission of crime in America.

America's fateful hour is striking. Day by day the issue is the more distinctly drawn as between the law-abiding and those who would lock arms with legal chaos. The instinctive law-breaker always falls in step with the lawless mob, which he elects to inflame for the last ferocity. He, first of all, must be stopped; in free life, if needs be, through facing him pistol to pistol; in prison life, by making the number of his prison days contingent upon the manner in which he seconds remedial measures planned and prosecuted for his social regeneration.

As to correctional offices in toto, Pope's couplet should be, where and when it is not, arresting:

"For forms of government let fools contest;  
That which is best administered, is best."

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